

E R R A T U M.

STATE OF PENNSYLVANIA.

IN GENERAL ASSEMBLY,

FRIDAY, *February* 5, 1790. A. M.

A motion was made by Mr. *Rawle*, seconded by Mr. *Wynkoop*, as follows, *viz.*

THE House having observed that in the printed Journals of their proceedings an error has taken place, with regard to the adoption of the report of the committee on ways and means, which was read the second time on the 9th day of *December* last, and then adopted, direct that the Clerk of the House take proper measures to have the said error rectified.

And on motion, and by special order, the above motion was read the second time, and adopted.

Extract from the minutes,

PETER Z. LLOYD, Clerk
of the General Assembly.

The error above alluded to is contained in the printed Journals of the House on the 9th day of *December*, 1789, page 109, in the following words, *viz.*

“ The committee on ways and means made report in part, which was read, as follows, *viz.*”

Whereas the true entry should be, and is in the words following, *viz.*

“ The further report in part of the committee on ways and means, read yesterday, was read the second time, and adopted, as follows, *viz.*”

U. S. A. R. A. U. S. A.

GENERAL AND ASSISTANT

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MINUTES
OF THE
SECOND SESSION
OF THE FOURTEENTH
GENERAL ASSEMBLY
OF THE
COMMONWEALTH
OF
PENNSYLVANIA,

Which commenced at PHILADELPHIA, on TUESDAY,
the Second Day of *February*, in the Year of our Lord
One Thousand Seven Hundred and Ninety.

Tuesday, February 2, 1790. P. M.

MR. Speaker with a number of members met, pursuant to adjournment; but not being a quorum,
Adjourned until three o'clock to-morrow, P. M.

Wednesday, February 3, 1790. P. M.

Mr. Speaker with a number of members met, pursuant to adjournment;
but not being a quorum,
Adjourned until ten o'clock to-morrow, A. M.

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Thursday,

Thursday, February 5, 1790. A. M.

Mr. Speaker with a number of members met, pursuant to adjournment but not being a quorum,

Adjourned until ten o'clock to-morrow, A. M.

Friday, February 5, 1790. A. M.

A number of representatives, present to constitute a quorum, met pursuant to adjournment.

Samuel Maclay, Esquire, elected a representative for the county of *Northumberland*, appearing in the House, was qualified conformably to the directions of the constitution, and the addition and exception thereto, as agreed upon by this House, as well as the oath prescribed by an act of the United States passed the first day of *June* last.

On motion,

Ordered, That *Mr. Wynkoop*, *Mr. Markley* and *Mr. Riley* be a committee to inform Council that the House, being met, are ready to receive any business they may have to lay before them.

A memorial and petition from *James Rowan*, an insolvent collector of taxes confined in the gaol of the city and county of *Philadelphia*, was read, referring to his former petitions, and praying he may be released from his imprisonment; and on motion, and by special order, the same was read the second time.

Ordered, That the same, together with his former petitions, be referred to *Mr. Britton*, *Mr. Moore* and *Mr. Vaux*, to report thereon; and that the committee appointed *November 12th* last, on his former petitions, be discharged.

A petition from *Mary Neese*, widow of *Peter Neese*, was read, setting forth, that her husband died of the wounds he received in the late war that she applied to the Orphans Court for the gratuity allowed to the widows of deceased and disabled officers and soldiers of the militia, wounded in the public service, and a decree in her favor was awarded by the court and certified by the Comptroller-General to the Supreme Executive Council, who ordered payment to be made her out of the militia fines levied in the county of *Northumberland*; and that upon application to the County Treasurer and Lieutenant, she was informed no money had been collected on account of militia fines; stating her distressed situation, and praying relief in the premises; and on motion, and by special order, the same was read the second time.

Ordered, That it be referred to the committee on ways and means, to report thereon.

A motion was made by *Mr. Rawle*, seconded by *Mr. Wynkoop*, as follows, viz.

The House having observed, that in the printed journals of their proceedings an error has taken place with regard to the adoption of the report of the committee on ways and means, which was read a second time on the 9th day of *December* last, and then adopted, direct that the Clerk of the House take proper measures to have the said error rectified; and on motion, and by special order, the same was read the second time, and adopted.

The committee appointed to inform Council that the House, being met, are ready to receive any business they may have to lay before them, reported, that they had performed that service, and received for answer, that Council were preparing business, which they would lay before the House on *Monday* next.

Adjourned until ten o'clock to-morrow, A. M.

Saturday, February 6, 1790. A. M.

The House met pursuant to adjournment.

Petitions from a number of the inhabitants of the counties of *Berks* and *Northumberland* were read, praying a sum of money may be granted, in aid of a road laid out and opened from the road leading through *Hamborough*, in the county of *Berks*, about two miles above the forks of the river *Schuylkill*, and leading the nearest and best way to the mouth of *Cattawessy* creek, in the county of *Northumberland*.

Ordered to lie on the table.

The committee appointed yesterday, on the petition of *James Rowan*, made report, which was read, as follows, *viz.*

The committee, to whom was referred the petition of *James Rowan*, a prisoner now in the gaol of the city and county of *Philadelphia*, report—

That they made enquiry into the case of the petitioner, and find he is indebted to the Treasurer of the city and county of *Philadelphia* about *two thousand pounds* (as the Commissioners apprehend) and to the Commissioners of the public landing in *Southwark* *five hundred pounds*: All which sums it appears he must have collected on account of taxes, and has not paid into the hands of the Treasurer, nor can he give your committee any satisfactory account of any part thereof, but informs them he has neither real or personal estate wherewith to pay the said *two thousand five hundred pounds*.

The committee further report, That it appears to them highly necessary, under any circumstances the petitioner may be in, if he is liberated from gaol, he ought to be bound to give every necessary assistance in his power to the Commissioners, when called on, respecting the settlement of his accounts, as no other person can unravel them.

And on motion, and by special order, the same was read the second time.

Ordered, That it be re-committed.

Adjourned until three o'clock on *Monday* next, P. M.

Monday, February 8, 1790. P. M.

The House met pursuant to adjournment.

A petition from *Robert Ross*, an insolvent debtor, confined in the gaol of the city and county of *Philadelphia*, was read, stating the distressed situation of himself and his numerous family, and praying he may be released from his imprisonment; and on motion, and by special order, the same was read the second time.

Ordered, That it be referred to Mr. Rawle, Mr. Hoge and Mr. Vaux, to report thereon.

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On motion,

Ordered, That the same committee be instructed to examine the laws of this commonwealth respecting insolvent debtors, and report such amendments as they may deem proper.

Adjourned until ten o'clock to-morrow, A. M.

Tuesday, February 9, 1790. A. M.

The House met pursuant to adjournment.

Petitions from 895 inhabitants of the county of *Mifflin* were read, setting forth, that they are much aggrieved by the act for erecting the said county, so far as the same respects the boundary lines and the place for holding the courts of justice; and praying the lines of the said county may be established agreeably to their original petitions, and that the seat of justice in and for the said county may be fixed conformably to the judgment of certain Commissioners, appointed for that purpose by the inhabitants of the said county.

Ordered to lie on the table.

A petition from *Lewis Nicolas*, Keeper of the Work-house of the city and county of *Philadelphia*, was read, setting forth, that by the suppression of disorderly houses and the banishment of vagrants, as well as other causes his present and probable fees in future are and will be considerably reduced therefore praying this House to grant him relief in the premises.

Ordered to lie on the table.

A petition from a number of the inhabitants of the county of *Northampton* was read, remonstrating against the road laid out from the Union mills on the river *Lehigh*, to the *Nescopeck* falls of the river *Susquebanna*, and praying this House to order and direct a review of the said road.

Ordered to lie on the table.

The committee, to whom was re-committed the report on the petition of *James Rowan*, made report, which was read, as follows, *viz.*

The committee, to whom was re-committed the case of *James Rowan* report the following resolution, *viz.*

Resolved, That a committee be appointed to bring in a bill to liberate *James Rowan* from imprisonment, on such terms, to be expressed in the bill as will ensure his assistance in the settlement of his accounts, and hold any lands, tenements, goods, chattels or effects, which he now has, or hereafter may acquire, enjoy or possess, liable for payment of the balances in which he is indebted.

And on motion, and by special order, the same was read the second time.

Ordered, That the further consideration thereof be postponed.

The committee appointed *December 4th* last, on the petition of *Peter Roberts*, made report, which was read, as follows, *viz.*

The committee, to whom was referred the petition of *Peter Roberts*, an insolvent debtor, confined in the gaol of the city and county of *Philadelphia* report—

That they have duly attended to that business, and the prisoner's creditors have liberated him.

Ordered to lie on the table.

A Message from His Excellency the President and the Supreme Executive Council was presented to the Chair, and read, as follows, *viz.*

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A MESSAGE from the PRESIDENT and the SUPREME EXECUTIVE
COUNCIL to the GENERAL ASSEMBLY.

GENTLEMEN,

CONFORMABLY to the act of General Assembly, passed on the twenty-eighth of *September*, 1789, authorising the Supreme Executive Council to appoint Commissioners for viewing the navigable waters in this state, we instructed *Timothy Matlack*, *Reading Howell* and *William Dean* to view the river *Delaware*—*Benjamin Rittenhouse* and *John Adlum* to view the river *Schuylkill*—and *Bartram Galbraith*, *Samuel Boyd* and *Thomas Hulings* to view the river *Susquehanna*.

The Commissioners appointed to view the river *Delaware* have compleated the task assigned to them.—Those who were appointed to view the river *Schuylkill* have examined that river, from the Great Fall, five miles above this city, to the town of *Hamburg*, twenty-three miles higher than the town of *Reading*, and have extended their examination to the *Tulpehocken*, and the strait between the head waters of that stream and the *Quittapabilla*, which communicates with the *Susquehanna*. That part of the *Schuylkill*, however, which flows above the town of *Hamburg*, has not yet been explored by the Commissioners.—The Commissioners appointed to view the river *Susquehanna* have examined that river, from *Wright's* ferry to its confluence with the *Juniata*, and have viewed the *Juniata* from its mouth to *Piper's* run; but they have not compleated their report.

The reports of the *Delaware* and *Schuylkill* Commissioners, and the drafts and surveys to which the reports refer, we have sent herewith.

The security of the public records against fire, and other casualties, requires, in our opinion, the attention of the Legislature. The books and documents belonging to the Master of the Rolls, the Comptroller-General, the Register-General, the Trustees of the Loan-Office, the Receiver-General and Secretary of the Land-Office, and to the Secretary of the Supreme Executive Council, are deposited in different rooms in the State-house; while those which appertain to the offices of the Surveyor-General, the Prothonotary of the Supreme Court, and the Register of Wills for the city and county of *Philadelphia*, are, for want of room in the public buildings, necessarily kept in the private dwellings of the respective Officers. Besides the great danger attending this latter circumstance, it is no inconsiderable inconvenience that the books and papers of public offices, not only upon the change of the Officers, but whenever those Officers change their houses, should be removed to different and distant parts of the city. We therefore suggest, that the erecting of a building as a repository for all public records, and in which the several Officers whom we have mentioned may be accommodated for the transaction of their respective duties, will be a matter of public utility.

We transmit herewith a memorial from *Reading Howell*, who is preparing a map of *Pennsylvania*, and applies for permission to delineate the north boundary line, under the authority of the state.

As we believe the engraving this line in *Mr. Howell's* map will compleatly answer the design of the act, entituled “ *An Act to establish and confirm the*
H h “ *boundary.*”

" *boundary line between this state and the state of New-York,*" passed the twenty-ninth day of *September*, 1789, without occasioning any expence to the public, we are of opinion it will be proper to comply with his request.

The act of Assembly, entituled " *An Act for enlarging the time limited by the act, entituled " An Act for facilitating the redemption of the bills of credit emitted in the year of our Lord one thousand seven hundred and eighty-one, and for redeeming part of the funded debt of this state; for extending the time for patenting lands which were located before the declaration of independency, and for giving a right of pre-emption to actual settlers for procuring warrants for lands by them occupied,*" passed the twenty-first day of *March*, 1789, will expire by its own limitation on the tenth day of *April* next. As the objects of this law are not accomplished, we recommend its continuance to the consideration of the Legislature.

John Bayard, Esquire, who was one of the Trustees appointed by the General Assembly for that part of the province island which belongs to the state, has removed into *New-Jersey*, and *Robert Knox*, Esquire, another Trustee, is dead. It may therefore be proper to appoint other persons in the room of those gentlemen.

THOMAS MIFFLIN.

COUNCIL-CHAMBER,
Philadelphia, February 9th, 1790.

And the several papers therewith transmitted were also read; and on motion, and by special order, the said message and papers were read the second time.

Ordered, That they be referred to Mr. Gurney, Mr. Hoge and Mr. MacLay, to arrange the subject matters, and report thereon.

The committee to whom was re-committed, *December* 8th last, the bill, entituled " *An Act to ascertain the quality of pot and pearl-ashes,*" reported a bill, entituled " *An Act to regulate the exportation of pot-ash and pearl-ash,*" which was read the first time, and

Ordered to lie on the table.

The bill, entituled " *An Act to alter the place of holding elections in the second district of Washington county,*" was read the second time, and considered by paragraphs.

Ordered, That it be transcribed for a third reading.

On motion,

Ordered, That Mr. Rawle be added to the committee appointed *November* 9th last, on the petition of the owners of lands in the frontier and other counties of this state.

Adjourned until ten o'clock to-morrow, A. M.

Wednesday, February 10, 1790. A. M.

The House met pursuant to adjournment.

A letter from his Excellency the President of the Supreme Executive Council was presented to the chair, and read, as follows, viz.

IN COUNCIL, Philadelphia, February 10th, 1790.

S I R,

DO myself the honor of transmitting to you, to be laid before the General Assembly, the report of the Commissioners appointed to view the river *Susquehanna*, which Council received this morning.

I have the honor to be,

With the greatest respect,

S I R,

Your most obedient and humble servant,

THOMAS MIFFLIN.

Honorable RICHARD PETERS, Esquire,
Speaker of the General Assembly.

And the report therewith transmitted was also read; and on motion, and special order, the same were read the second time.

Ordered, That they be referred to the committee appointed yesterday on the message of Council, to arrange the subject matters, and report thereon.

A memorial from *Henry Pawling* was read, of a similar tenor with his petitions read in a former House of Assembly on the subject of his claim to certain tract of land in the county of *Luzerne*; and on motion, and by special order, the same was read the second time.

Ordered, That it be referred to the committee appointed November 28th, to whom were referred all the papers on the files of the General Assembly respecting claims to lands in the county of *Luzerne*.

The committee on ways and means, to whom was referred, November 5th, that part of the message of Council, which respects the claims of widows and children of deceased officers of the *Pennsylvania* line, flying camp, state regiments and state navy, and the petition of *Mary Neese*, a widow, made report, which was read, as follows, viz.

The committee on ways and means, to whom was referred that part of the message of Council, which respects the claims of widows and children of deceased officers of the *Pennsylvania* line, flying camp, state regiments and state navy, and also the petition of *Mary Neese*, a widow, comprehended in the above description, report—

That the committee, sensible of the distressed situation many of those people labour under, are of opinion that some provision ought to be made for such as are most necessitous as early as possible.

But as their numbers may be supposed to be yearly diminishing, from the marriage or death of widows, and arrival of children to the age of fourteen years, they are also of opinion that a new enquiry or examination into the fitness of their claims is now really necessary, in order to prevent impositions: Your committee therefore offer the following resolution.

Resolved, That a committee be appointed to bring in a bill, to be passed to a law, to empower the President in Council to draw orders upon the State treasurer, to be paid out of the interest arising from the loan-office, by a certificate or certificates, granted as hereafter mentioned, for such sums as shall appear to be due to the widows and children of the deceased officers of the

the *Pennsylvania* line, flying camp, state regiments and state navy—and that a clause or clauses be inserted in said bill, authorising the Supreme Court, any two Justices thereof at Nisi Prius, to grant certificates to such claimants as in their opinion come fully within the benevolent intentions of the acts of the General Assembly of this commonwealth.

Ordered to lie on the table.

The petition of a number of the inhabitants of the county of *Northampton*, read yesterday, was read the second time: Whereupon,

On motion of Mr. *Balliot*, seconded by Mr. *Gurney*,

Resolved, That the said petition be transmitted to the Supreme Executive Council, to take order thereon.

The petitions of 895 of the inhabitants of the county of *Mifflin*, read yesterday, were read the second time.

Ordered, That the same be referred to Mr. *Chapman*, Mr. *Cunningham*, Mr. *Carson*, Mr. *Harris* and Mr. *Lloyd*, to report thereon.

The petition of *Lewis Nicolas*, read yesterday, was read the second time.

Ordered, That it be referred to the members for the city of *Philadelphia* to report thereon.

The House resumed the consideration of the report on the petition of *James Rowan*, postponed yesterday: Whereupon

Resolved, That a committee be appointed to bring in a bill to liberate *James Rowan* from imprisonment, on such terms, to be expressed in the bill as will ensure his assistance in the settlement of his accounts, and hold all lands, tenements, goods, chattels or effects, which he now has or hereafter may acquire, enjoy or possess, liable for payment of the balances in which he is indebted.

Ordered, That Mr. *Rawle*, Mr. *Britton*, Mr. *Moore* and Mr. *Vaux* be a committee, to bring in a bill conformably to the foregoing resolution.

The bill, entitled “*An Act for founding and endowing a public school in the town and county of Huntingdon*,” was read the third time, and considered by paragraphs.

Ordered, That it be engrossed, for the purpose of being enacted into law.

On motion,

Ordered, That Mr. *Lutz* be added to the committee appointed December 8th last, to confer with Council on the subject of a defence of the south-west frontier of this state against the hostile incursions of the Indians.

Adjourned until ten o'clock to-morrow, A. M.

Thursday, February 11, 1790. A. M.

The House met pursuant to adjournment.

A petition from *Samuel Moore*, praying that no exclusive right may be granted to any person for keeping a public ferry across the river *Delaware* from the borough of *Easton* to the state of *New-Jersey*, was presented to the chair, read, and

Ordered to lie on the table.

A representation from the Managers of the *Pennsylvania Hospital* was read setting forth, that they have not an equal chance with other legatees of discharging such legacies as are or have been bequeathed to that institution.

and suggesting the propriety of adopting such measures as may be deemed proper, to compel the Registers for the probate of wills in the several counties of this state, or the Executors, to inform the parties who represent charitable and public institutions of all legacies so bequeathed to them.

Ordered to lie on the table.

The report of the committee on ways and means, read yesterday, was read the second time: Whereupon

Resolved, That a committee be appointed to bring in a bill, to be passed into a law, to empower the President in Council to draw orders upon the State Treasurer, to be paid out of the interest arising from the Loan-Office, for such sums as shall appear, by a certificate or certificates granted as hereafter mentioned, to be due to the widows and children of the deceased officers of the *Pennsylvania* line, flying camp, state regiments and state navy, and that a clause or clauses be inserted in said bill, authorising the Supreme Court, or any two Justices thereof at Nisi Prius, to grant certificates to such claimants, as, in their opinion, come fully within the benevolent intentions of the acts of the General Assembly of this commonwealth.

Ordered, That Mr. Rawle, Mr. Hoge and Mr. Finley be a committee, to bring in a bill conformably to the foregoing resolution.

The bill, entituled "*An Act relating to the sureties to be given by Sheriffs and Coroners*," was read the third time, and in part considered by paragraphs.

Ordered, That the further consideration thereof be postponed.

A motion was made by Mr. Finley, seconded by Mr. Rhea, as follows, *viz.*

Resolved, That a committee be appointed to bring in a bill, to provide for the election of Representatives in Congress for this state.

Ordered to lie on the table.

On motion,

Ordered, That Mr. Balliot and Mr. D. Stewart be added to the committee appointed November 27th last, on the petitions of Jonas Philips and others.

On motion,

Ordered, That Mr. Mitchell be added to the committee appointed November 23d last, to confer with Council on the subjects of the donation and de-secration lands.

Adjourned until ten o'clock to-morrow, A. M.

Friday, February 12, 1790. A. M.

The House met pursuant to adjournment.

A petition from *Francis White*, an insolvent debtor, confined in the gaol the city and county of *Philadelphia*, was read, stating his peculiar and distressed situation, and praying to be released from his imprisonment; and on motion, and by special order, the same was read the second time.

Ordered, That it be referred to Mr. Rawle, Mr. Hoge and Mr. Vaux, to report thereon.

The committee appointed *February 9th*, on the message of the Supreme Executive Council, and to arrange the matters therein contained, made report, which was read, as follows, *viz.*

The committee appointed to arrange the several matters contained in the message of the President and the Supreme Executive Council beg leave to say, that in their opinion the first part of the message contains very important information; and although they are sensible that the present finances of the state will not warrant the Legislature to go generally into the business, they nevertheless conceive that some part of it ought to be attempted: And therefore beg leave to offer the following resolution, *viz.*

Resolved, That a committee be appointed, to take into their consideration that part of the message of Council which respects the navigation of the rivers *Delaware, Schuylkill and Susquehanna.*

With regard to the other parts of the message, they beg leave to offer the following resolutions, *viz.*

Resolved, That that part of the message of Council respecting the security of the public records against fire, and other casualties, be referred to a committee.

Resolved, That that part of the message of Council, which respects the memorial of *Reading Howell*, be referred to a committee.

Resolved, That that part of the message of Council, recommending an extension of the time for patenting lands beyond the 10th day of *April* next, be referred to a committee.

Resolved, That that part of the message of Council, calling the attention of the General Assembly to the propriety of appointing other Trustees in the room of *John Bayard*, Esquire, removed to *New-Jersey*, and *Robert Knox*, Esquire, deceased, be referred to a committee.

And on motion, and by special order, the same was read the second time: Whereupon

Resolved, That a committee be appointed, to take into their consideration that part of the message of Council which respects the navigation of the rivers *Delaware, Schuylkill and Susquehanna.*

Ordered, That *Mr. Rawle, Mr. Gurney, Mr. Balliot, Mr. Ludwig, Mr. Carson, Mr. Maclay and Mr. Ryerson* be a committee, for the purposes contained in the foregoing resolution.

Resolved, That that part of the message of Council respecting the security of the public records against fire, and other casualties, be referred to a committee.

Ordered, That *Mr. Rawle, Mr. Wynkoop, Mr. Lilly, Mr. Wright and Mr. Lloyd* be a committee, for the purpose contained in the foregoing resolution.

Resolved, That that part of the message of Council, which respects the memorial of *Reading Howell*, be referred to a committee.

Ordered, That *Mr. Wynkoop, Mr. Cunningham and Mr. Nevil* be a committee, for the purpose contained in the foregoing resolution.

Resolved, That that part of the message of Council, calling the attention of the General Assembly to the propriety of appointing other Trustees in the room of *John Bayard*, Esquire, removed to *New-Jersey*, and *Robert Knox*, Esquire, deceased, be referred to a committee.

Ordered, That *Mr. Boys, Mr. Vaux and Mr. Nevil* be a committee, for the purpose contained in the foregoing resolution.

Ordered, That the further consideration of said report be postponed.

The House resumed the consideration of the report of the committee respecting the act, entitled " *An Act for enlarging the time limited by the*

act, entitled " An Act for facilitating the redemption of the bills of credit emitted in the year one thousand seven hundred and eighty-one, and for redeeming part of the funded debt of this state, for extending the time for patenting lands which were located before the declaration of independence, and for giving a right of pre-emption to actual settlers for procuring warrants for lands by them occupied."

And on the question,—*" Will the House agree to the following resolution ?"—viz.*

Resolved, That a committee be appointed to bring in a bill, to extend the time for patenting lands which were located before the declaration of independence, and for giving a right of pre-emption to actual settlers for procuring warrants for lands by them occupied until the day of and no longer.

It was, on motion of Mr. Rawle, seconded by Mr. Wright,

Ordered, That the words "*and no longer*," be struck out.

The resolution, as amended, was then adopted : Whereupon

Ordered, That Mr. Maclay, Mr. Marshall, Mr. Gilcbreeft and Mr. Carson be a committee, to bring in a bill conformably to the foregoing resolution.

The bill, entitled, "*An Act to authorize and direct the Supreme Executive Council to appoint Commissioners to audit and settle the accounts between Bedford and Huntingdon counties, and for other purposes therein mentioned*," was read the third time, and in part considered by paragraphs.

Ordered, That every part of the said bill, excepting the title of the same, be re-committed, and that Mr. Rawle be added to the committee.

Mr. Rawle, in his place, read a bill, entitled "*A Supplement to the act, entitled* " An Act to provide for the salaries of the officers of the Land-Office ;" and having obtained leave for that purpose, presented the same to the chair, when it was read the first time, and

Ordered to lie on the table.

The representation of the Managers of the *Pennsylvania Hospital*, read yesterday, was read the second time.

Ordered, That it be referred to Mr. Rawle, Mr. Thomas and Mr. Godfrey, with instructions to report a bill, if they think proper.

The petition of a number of the inhabitants of *Berks and Northumberland counties*, read *February 6th*, was read the second time.

Ordered, That it be referred to Mr. Paul, Mr. Leinbach and Mr. White, to report thereon.

On motion,

Ordered, That Mr. Lerch have leave of absence.

Adjourned until ten o'clock to-morrow, A. M.

Saturday, February 13, 1790. A. M.

The House met pursuant to adjournment.

A petition from *Laughlin McCartney* and others was read, setting forth, that they furnished supplies to *William Plunket*, Esq; and his associates, *Judges of the Peace* for the county of *Northumberland*, in the year 1775, for the purpose of enforcing the laws of *Pennsylvania* at *Wyoming*, and for which they have received no compensation ; and praying this House to direct payment thereof.

Ordered to lie on the table.

A remon-

A remonstrance from *Charles Smith* and *Simon Snyder*, Esquires, was read remonstrating against the petition of the inhabitants of the west end of *Beaver* township, in the county of *Northumberland*, read *November 18th* last and requesting the prayer thereof may not be granted, until the parties concerned shall be apprized of and have time to petition against it.

Ordered to lie on the table.

A petition from *William Hestit* was read, setting forth, that he was employed to purchase provision for the army of the United States within this state, and stating that considerable injury hath been done him in the settlement of his accounts; therefore praying relief in the premises.

Ordered to lie on the table.

A petition from the Rector, Church-wardens and Vestrymen of *St. David's* commonly called *Radnor* Church, in the county of *Delaware*, was read, praying leave to bring in a bill for the purpose of incorporating their society; and on motion, and by special order, the same was read the second time.

Ordered, That the prayer thereof be granted.

A petition from the Board of Trustees of *Dickinson* College was read, setting forth the insufficiency of their funds to accomplish the laudable and benevolent designs of the institution, and therefore praying the further countenance and patronage of the legislature.

Ordered to lie on the table.

On motion of *Mr. Gurney*,

Ordered, That he be discharged from the committee appointed yesterday on that part of the message of Council which respects the navigation of the rivers *Delaware*, *Schuylkill* and *Susquehanna*, and that *Mr. Dering* be appointed in his place.

The motion made by *Mr. Finley*, seconded by *Mr. Rhea*, *February 11th*, respecting the election of representatives in the Congress of the United States, was read the second time: Whereupon,

On motion of *Mr. Rawle*, seconded by *Mr. Wright*,

Ordered, That the consideration thereof be postponed.

The committee on ways and means, to whom was referred, *December 20th* last, the petition of a number of the inhabitants of *Peter's* township, in the county of *Franklin*, made report, which was read, as follows, *viz.*

The committee, to whom was referred the petition of a number of the inhabitants of *Peter's* township, in the county of *Franklin*, stating their particular situation with respect to the tax laid in the year 1782, report the following resolution, *viz.*

Resolved, That a committee be appointed to bring in a bill, to divide the taxes laid and assessed within *Peter's*, township, *Franklin* county, in the year 1782, into three equal parts, and to authorize the collection thereof in three annual payments, in addition with the current taxes of the year, with a proviso, that the whole of each person's share or proportion thereof, who shall neglect or refuse to give security for the same, if required, shall be immediately levied and collected.

Ordered to lie on the table.

The bill, entitled "*An Act to regulate the exportation of pot-ash and pearl-ash*," was read the second time, and considered by paragraphs.

Ordered, That it be transcribed for a third reading, and forthwith published for consideration.

The

The bill, entitled "*An Act to divide the county of Fayette into election districts*," was read the third time, and considered by paragraphs.

Ordered, That it be engrossed, for the purpose of being enacted into a law.

Adjourned until three o'clock on *Monday* next, P. M.

Monday, February 15, 1790. P. M.

The House met pursuant to adjournment.

A petition from a number of the inhabitants of the borough of *Easton*, in the county of *Northampton*, was read, praying leave to bring in a bill, for the purpose of granting and confirming to the corporation of the burgesses and inhabitants of the said borough, and their successors, the exclusive right of keeping, for the use of the said corporation, all ferries within the boundaries of the aforesaid borough.

Ordered to lie on the table.

A petition from divers inhabitants of *Turkey-Foot* township, in the county of *Bedford*, was read, remonstrating against being annexed to the county of *Fayette*, and praying the said township, together with those of *Brothers Valley*, *Elk-lick*, *Milford* and *Quemahoning*, may be erected into a separate county.

Ordered to lie on the table.

Petitions from about 400 inhabitants of the townships of *Brothers Valley*, *Elk-lick*, *Quemahoning* and *Milford*, in the county of *Bedford*, were read, praying they may be erected into a separate county.

Ordered to lie on the table.

A memorial from *John Penn*, junior, and *John Penn*, Esquires, was read, setting forth, that they have at a considerable expence erected a ferry at the borough of *Easton*, across the rivers *Delaware* and *Lehigh*, for the accommodation of travellers, and, in order to secure the sole right of the said ferry, reserved the banks of those rivers within the limits of the said borough, and purchased the right of soil on the *Jersey* shore and the lands in *William's* township, opposite to the said borough; therefore praying this House to grant unto them, and their heirs, the exclusive right of keeping a ferry in the said borough, so far as their bank on each side of the said rivers extends, under such rules and regulations as may be deemed proper.

Ordered to lie on the table.

The petition of *Laughlin McCartney* and others, read *February 13th* instant, was read the second time.

Ordered, That it be referred to Mr. *Wynkoop*, Mr. *Thomas* and Mr. *Markley*, to report thereon.

The petition of the Trustees of *Dickinson* college, read *February 13th* instant, was read the second time.

Ordered, That it be referred to Mr. *Chapman*, Mr. *Lilly* and Mr. *Hoge*, to report thereon.

The petition of *William Hestit*, read *February 13th* instant, was read the second time.

K k

Ordered,

Ordered, That it be referred to the grand committee of claims, appointed November 3d last, to report thereon.

The committee appointed November 24th last, on the memorial and petition of the Commissioners for the county of *Philadelphia*, made report, which was read, as follows, *viz.*

The report of the committee, to whom was referred the memorial and petition of the Commissioners of the county of *Philadelphia*.

In the opinion of the committee, the subject of the memorial is improper for the interference of the legislature, because it involves in it the due construction of a contract long since entered into between the commonwealth and its citizens. Whether by the allowance of *six per cent.* which has uniformly been made in grants and patents of lands, the owners of such land are precluded from further compensations for such part of it as may be taken for public roads and highways, it is the proper duty of the judicial authority to determine. If this question hath already been determined, this House can neither rescind that decision, without a violation of their duties, nor restrain other persons from similar relief, without committing injustice.

The Commissioners could not have been subjected to the compulsory process of which they complain, had not the county stock been judicially determined to be the proper fund, in such cases, for the re-imbursment of individuals. Hence the power of the Commissioners to raise a competent sum for the purpose, when necessary, without the assistance of another statute, becomes as evident, at that it is the duty of the Legislature to avoid increasing the multitude of laws, unless the necessity for them is cogent and indisputable.

If it is apprehended that the decision is erroneous in itself, or, from the limited jurisdiction of the court in which it was given, accompanied with less authority than its importance requires, it may be observed, that the Legislature is not a Court of Errors or Appeals; that if the case of which the Commissioners particularly complain cannot now be removed into the Supreme Court, it will be their duty to submit the next application of the kind to that tribunal, whose respectable and conclusive decision may probably influence the future conduct of the state in disposing of its remaining lands, without exhibiting the dishonorable spectacle of the sovereign power construing its own contracts, and perhaps accommodating that construction to its own convenience.

The committee submit the following resolution :

Resolved, That the Commissioners of the county of *Philadelphia* have leave to withdraw their memorial and petition.

Ordered to lie on the table.

The committee appointed December 1st last, on the petition of the Commissioners for *Dauphin* county, made report, which was read, as follows, *viz.*

The committee, to whom was referred the petition of *James Wilson*, *Christopher Ubler* and *Casper Stover*, Commissioners of *Dauphin* county (in behalf of themselves and the inhabitants of said county) praying to have the rent of *Harris's* ferry appropriated for erecting and supporting the public buildings for the use of said county, report—

That they have had recourse to the record of the original bond given by *John Harris*, whereby they find he binds himself to convey the said ferry and landing (with other estates) to certain Trustees therein named, for the use of the public, on condition that the bill, then published for consideration

tion. for erecting part of *Lancaster* county into a separate county, and establishing the seat of justice on the lands of *John Harris*, should be passed into a law; which having been done, a conveyance of said ferry and landing (with other estates) was accordingly made: And as the fixing the seat of justice of said county on the estate of the said *John Harris* appears to have been his principal inducement for making the said conveyance, and with respect to the inhabitants of the said county, as that situation must subject many of them to inconveniences, by its being on one extremity of the county, the committee conceive they are entitled to some compensation, and therefore offer the following resolution, *viz.*

Resolved, That a committee be appointed to bring in a bill, to be enacted into a law, for appropriating so much of the rents of the ferry called *Harris's* ferry, as may be sufficient for the purpose of compleating the erecting of the necessary public buildings for the use of *Dauphin* county.

Ordered to lie on the table.

On motion of Mr. *Kennedy*, seconded by Mr. *Rawle*,

Ordered, That to-morrow week be assigned for the third reading of the bill, entitled "*An Act to enable the officers of the Land-Office to issue warrants of re-location in the cases therein described*," and that it be the order for that day.

A motion was made by Mr. *Clingan*, seconded by Mr. *Rawle*, and adopted, as follows, *viz.*

Whereas the existing laws of this state do not define, with sufficient clearness, the mode of proceeding against Constables who neglect the faithful discharge of the duties of their said office, and much inconveniency and undue delays of justice are thereby occasioned: For remedy whereof, be it

Resolved, That a committee be appointed to bring in a bill, to be enacted into a law, providing a more speedy and effectual mode of proceeding against Constables in case of neglect of duty.

Ordered, That Mr. *Clingan*, Mr. *Finley* and Mr. *Barr* be a committee, to bring in a bill conformably to the foregoing resolution.

The bill, entitled "*A Supplement to the act, entitled 'An Act to provide for the salaries of the officers of the Land-Office'*," enacted the eighth day of *December*, one thousand seven hundred and eighty-nine, was read the second time, and considered by paragraphs.

Ordered, That it be transcribed for a third reading, and forthwith published for consideration.

The bill, entitled "*An Act for the payment of the claim of Turnbull, Marmie and company*," was read the second time, and considered by paragraphs.

Ordered, That it be transcribed for a third reading, and forthwith published for consideration.

Adjourned until ten o'clock to-morrow, A. M.

Tuesday, February 16, 1790. A. M.

The House met pursuant to adjournment.

A petition from *John Churchman*, of the city of *Philadelphia*, was read, follows, *viz.*

To

To the Honorable the REPRESENTATIVES of the FREEMEN of the Commonwealth of PENNSYLVANIA, in GENERAL ASSEMBLY met.

The PETITION of JOHN CHURCHMAN, of the City of PHILADELPHIA.

Humbly and Respectfully Sheweth,

THAT he hath clearly demonstrated that the magnetic needle hath an universal direction to two magnetic points, at certain distances, one from the north, the other from the south pole of the earth; that the motions of the two magnetic points are equable and uniform round the two poles of the earth; that having determined the periods of revolution of the two magnetic points, he is enabled to determine the precise variation of the magnetic needle for any part of the globe, for any time, past, present, or to come; that if the variation of the needle and latitude of the place are truly given, the longitude of any place, on sea or land, is easily determined with the greatest precision; that he has prepared a great number of calculations, by which the said principles are proved in such a manner, that they have met with the approbation of some of the most learned mathematicians of the present age, as well in *America* as *Europe*; that he hath, by close application, by several years labour, and great expence, laid down a variation chart, or map, of all the northern hemisphere, on an entire new plan, by the help of which these principles are reduced to practice. A great part of the said chart has been already engraved on copper-plate in this city, and is proposed soon to be published by subscription, on the several conditions hereunto annexed, but he finds, by experience, that soliciting subscriptions from individuals is by no means an agreeable task.

Your petitioner, well knowing that the Representatives of the freemen of *Pennsylvania* are famed for their encouragement of all measures tending to promote the progress of science, he is encouraged to hope that this variation chart may with propriety come under their patronage; because, if the inhabitants of *Pennsylvania* were considered to be formed in two classes, viz. the landed interest, and the mercantile interest, it would perhaps be found really useful to each class, for the following reasons: *First*, As the lands in *Pennsylvania*, as well as the other states, are held by course and distance, the course, according to the magnet, being subject to a great variation, it seems highly necessary that the laws which govern the variation should be ascertained, otherwise the boundaries of the land cannot be perpetuated. *Lastly*, Without the assistance of the magnetic needle, the most skillful mariner gets bewildered on his way; therefore, a true knowledge of the theory of the variation, on this account, must be equally useful.

Your petitioner therefore prays, that the House will be pleased to bestow such encouragement upon him, and so far patronize his plans, as to them shall seem expedient. And, as in duty bound, he will ever pray.

JOHN CHURCHMAN.

Ordered to lie on the table.

A memorial from the Mayor, Aldermen and Citizens of *Philadelphia* was read, suggesting divers amendments to the act, and supplement thereto, for amending the penal laws of this state, and stating the impropriety of confining debtors in common with persons charged with or convicted of misdemeanors.

meanors, vagrants and disorderly persons, and recommending to the consideration of this House the severe case of persons confined as witnesses in criminal prosecutions, and afterwards for their fees; and on motion, and by special order, the same was read the second time.

Ordered, That it be referred to Mr. Rawle, Mr. Wynkoop, Mr. Miller, Mr. McDowell, Mr. Lilly, Mr. Kennedy, Mr. Johnston and Mr. Vaux, to report thereon.

A memorial and petition from the Mayor, Aldermen and Citizens of Philadelphia, in Common Council assembled, was read, stating certain inconveniences which the citizens labour under, and suggesting the propriety of passing an act, authorising the Common Council to legislate for the city in all cases that concern the internal police and government thereof as a city, and which shall not interfere with the constitution and general laws which concern them in common with the other citizens of the state; therefore praying the premises may be taken into consideration, and that an act may be passed explanatory of and supplementary to the act, entitled "*An Act to incorporate the city of Philadelphia*," to remove the difficulties that oppose their endeavours in promoting the good purposes for which the said city was incorporated.

Ordered to lie on the table.

The committee appointed February 12th instant, on that part of the message of Council which respects the petition of *Reading Howell*, &c. made report, which was read, as follows, viz.

The committee, to whom was referred that part of the message of Council which respects the north line of the state being delineated in *Reading Howell's* map, under the authority of this state, report—

That in their opinion the measure recommended by Council would be very proper; but as no provision is made with regard to the other lines of the state, it seems equally eligible that all the state lines should be engraved, and publicly known: And as the state will no doubt encourage Mr. *Howell* in his useful and expensive publication, for which purpose a bill is depending before the House, your committee conceive, that if he were furnished with the documents in possession of Council on this subject, he would cheerfully introduce delineations of all the state lines into his map, on a compensation equal to the expence being paid him, which will no doubt be considered by the House in filling up the blanks in the said bill. Your committee therefore offer the following resolution, viz.

Resolved, That a clause be inserted in the bill now before the House, entitled "*An Act in favour of Reading Howell*," authorising him, under the directions of Council, to delineate in his map the lines of this state, as established by law, or otherwise agreed on and ascertained.

Ordered to lie on the table.

The committee appointed for the purpose reported a bill, entitled "*An Act for settling the accounts of James Rowan, late Collector of taxes in the county of Philadelphia, and for other purposes therein mentioned*," which was read the first time, and

Ordered to lie on the table.

The committee appointed for the purpose reported a bill, entitled "*An Act to suspend, for a limited time, so much of the act of Assembly to regulate the fisheries in the rivers Codorus and Conewago, as relates to the erecting*"

"of platforms to the dams therein mentioned," which was read the first time, and

Ordered to lie on the table.

The report on the memorial and petition of the Commissioners of the county of *Philadelphia*, read yesterday, was read the second time: Whereupon

Resolved, That the Commissioners of the county of *Philadelphia* have leave to withdraw their memorial and petition.

The report on the petitions of the inhabitants of the west end of *Beaver* township, in the county of *Northumberland*, and of a number of the inhabitants of the townships of *Peter's*, *Bald-Eagle*, *Lack*, *Milford*, *Fermanagh* and *Greenwood*, in the county of *Mifflin*, read December 7th last, was read the second time: Whereupon

Ordered, That that part of the said report, which relates to the petition of the inhabitants of the west end of *Beaver* township, be re-committed and that the petition of *Charles Smith* and *Simon Snyder* be referred to the same committee.

Ordered, That the remainder of the said report, relative to the petition of the inhabitants of the townships of *Peter's*, *Bald-Eagle*, *Lack*, *Milford*, *Fermanagh* and *Greenwood*, in the county of *Mifflin*, be referred to Mr. Chapman, Mr. Cunningham, Mr. Carson, Mr. Harris and Mr. Lloyd, to report thereon.

A motion was made by Mr. Kennedy, seconded by Mr. Harris,

To add three members to the last named committee.

And on the question,—"*Will the House agree to the same?*"

It was carried in the negative.

The petition of a number of the inhabitants of the borough of *Easton* in the county of *Northampton*, read yesterday, was read the second time.

Ordered, That it be referred to Mr. Paul, Mr. Thomas and Mr. Ballin to report thereon.

The memorial of *John Penn*, junior, and *John Penn*, Esquires, read yesterday, was read the second time.

Ordered, That it be referred to the last named committee, to report thereon.

The petition of *Samuel Moore*, read February 11th instant, was read the second time.

Ordered, That it be referred to the last named committee, to report thereon.

The bill, entitled "*An Act to reimburse Gabriel Coxe, George Valledigham and Andrew Sweringen, for monies advanced by them in defence of the frontiers of Washington county*," was read the third time, and considered by paragraphs.

Ordered, That it be engrossed, for the purpose of being enacted into law.

Adjourned until ten o'clock to-morrow, A. M.

Wednesday, February 17, 1790. A. M.

The House met pursuant to adjournment.

A petition from a number of the inhabitants of the townships of *Washington*, *Turbutt* and *Derry*, in the county of *Northumberland*, was read

praying they may by law be enabled to hold their general elections at the house of *Daniel Cruger*.

Ordered to lie on the table.

A petition from *John Lytle*, of the county of *Northumberland*, was read, setting forth, that in the year 1774 he mortgaged a certain tract of land to the Trustees of the General Loan-Office for the sum of *one hundred and twenty-four pounds*; that by reason of divers casualties and misfortunes he is become unable to discharge the same; and praying this House to stay proceedings, and grant him further time for the payment thereof.

Ordered to lie on the table.

A letter from *John Donaldson*, Esquire, Register-General, stating certain official transactions between him and the Comptroller-General, was read, together with the several papers accompanying the same, and

Ordered to lie on the table.

The committee on ways and means made further report, which was read, as follows, *viz.*

The committee on ways and means beg leave further to report—

That it has not been in their power to procure such a statement of the public accounts between this and the United States, or of this state, as would enable the committee to suggest any plans, or to give the Assembly a proper idea of the finances of the state, an object very desirable, and one which the committee have much at heart, from a conviction it is of great importance to the public, that every member of its legislature should have a full and competent knowledge of the debts and revenues of the state. The committee take leave to suggest the appointment of a special committee, to enquire, and inform the House, what have been the causes that have prevented this business from being brought forward.

The Register-General has furnished a state of the receipts of taxes from 1st October, 1789, to the 13th February, 1790, amounting to *twenty-eight thousand five hundred and forty-four pounds four shillings and two-pence*, and *two thousand eight hundred and thirty-four pounds nineteen shillings*, in state money, for funding and sinking state money; also on account of impost *twenty-six thousand three hundred and twenty-seven pounds five shillings and one penny*; he also states, that there are considerable sums due on the carriage tax, which has been but very little attended to; that out of *twelve thousand two hundred and fifty-five pounds ten shillings*, laid in the city and county of *Philadelphia* for the last seven years, only *eight hundred and sixty-three pounds seven shillings and nine-pence* have been paid into the treasury. The committee are of opinion, that the State Treasurer should be directed to call upon the County Treasurers, forthwith to furnish duplicates, up to the present time, of the carriage taxes which have been laid in their respective counties, together with the abatements made by the Commissioners; also to furnish an alphabetical list of the name of each person within their respective counties, who shall be indebted for any part of the public taxes prior to the commencement of the funding system. It also appears proper to your committee, that the tax on writs should be extended to all such counties whose circumstances will admit of it. The additional supplement to the acts for the regulation of the militia, so far as it directs the use of gun-powder on battalion days, has not, in the opinion of the committee, produced those salutary effects that were expected, and can only occasion an expence, without affording the least advantage to the state.

The

The following resolutions are submitted for the decision of the House.

Resolved, That a special committee be appointed, to enquire, and report the reasons, why the public accounts have not been furnished to this House agreeably to law.

Resolved, That the State Treasurer be directed to call upon the County Treasurers, respectively, for duplicates of the carriage tax, as laid in each county, noting any allowances which the Commissioners may have made.

Resolved, That the State Treasurer be, and he is hereby authorized to demand from the Treasurer of each county within this state, an alphabetical list of the name and surname of each and every person or persons, within their respective counties, who, on the first day of *November*, 1790, shall owe or be indebted for any part of the public taxes assessed prior to the year 1786, which list shall be laid before the General Assembly on or before the first day of *January*, 1791.

Resolved, That a committee be appointed to bring in a bill, to extend the tax upon writs to the counties of *Westmoreland*, *Bedford*, *Northumberland*, *Washington*, *Fayette*, *Franklin*, *Montgomery*, *Dauphin*, *Delaware* and *Mifflin*, or so many of said counties as may be thought proper.

Resolved, That a committee be appointed to bring in a bill, to repeal so much of the additional Supplement to the Acts for the regulation of the militia of this commonwealth, as directs the county lieutenants to furnish cartridges to the militia on battalion days.

Ordered to lie on the table.

The petition of *John Churchman*, read yesterday, was read the second time.

Ordered, That it be referred to Mr. *Chapman*, Mr. *Thomas* and Mr. *Macloy*, to report thereon.

The report of the committee on ways and means, on the petition of the inhabitants of *Peter's* township, read *February* 13th, was read the second time: Whereupon,

On motion of Mr. *Kennedy*, seconded by Mr. *Rawle*,

Ordered, That the same be re-committed.

The bill, entitled "*An Act to provide for the renewal of certificates in the cases therein mentioned*," was read the third time, and in part considered by paragraphs.

Ordered, That the further consideration thereof be postponed.

Adjourned until ten o'clock to-morrow, A. M.

Thursday, February 18, 1790. A. M.

The House met pursuant to adjournment.

A petition from the committee of the Carpenters Company of the city and county of *Philadelphia* was read, praying the said company may be incorporated.

Ordered to lie on the table.

A petition from *Peter Heisler* was read, setting forth, that he supplied the Lieutenant of the city and liberties of *Philadelphia* with a quantity of gunpowder, for the use of the militia, and stating that the militia funds are insufficient to discharge the claims thereupon, in consequence of which he has not been enabled to obtain payment; therefore praying this House to grant him relief in the premises.

Ordered to lie on the table.

A peti-

A petition from *William Schrater* was read, praying he may be authorized by law to establish a ferry across the river *Youghiogeny*, on the north bank of said river, opposite the ferry of *John Summerville*.

Ordered to lie on the table.

Petitions from 444 inhabitants of the townships of *Brothers Valley*, *Elk-Lick*, *Quemahoning* and *Milford*, in the county of *Bedford*, were read, praying said townships may be erected into a separate county; and on motion, and by special order, the same were read the second time.

Ordered, That the same, together with the petitions of a number of the inhabitants of the said townships, and of divers inhabitants of *Turkey-Foot* township, read *February 15th* instant, be referred to Mr. *Wynkoop*, Mr. *Finley* and Mr. *Gore*, to report thereon.

The committee on claims, to whom was referred, *February 15th*, the petition of *William Heslit*, made report, which was read, as follows, viz.

The committee on claims, to whom was referred the petition of *William Heslit*, beg leave to report—

That they have considered the subject represented in his petition, and are of opinion that the House cannot with propriety grant him any relief; and therefore offer the following resolution, viz.

Resolved, That the petitioner have leave to withdraw his petition.

Ordered to lie on the table.

The committee appointed *February 12th*, on the petition of divers of the inhabitants of the counties of *Berks* and *Northumberland*, made report, which was read, as follows, viz.

The committee, to whom was referred the petition from divers of the inhabitants of the counties of *Berks* and *Northumberland*, praying a sum of money may be granted for the purpose of opening and finishing a certain road specified in said petition, are sensible of the usefulness of having good roads in every county, and would cheerfully concur with the petitioners, would our funds or finances justify them; but as there is no money unappropriated, your committee offer the following resolution, viz.

Resolved, That the petitioners have leave to withdraw their petition.

Ordered to lie on the table.

The committee appointed *February 12th*, on that part of the message of Council which respects the appointment of two Trustees of that part of the *Province-Island* which belongs to this state, in the room of *John Bayard* and *Robert Knox*, Esquires, made report, which was read; and on motion, and by special order, the same was read the second time, and adopted, as follows, viz.

Your committee, to whom was referred that part of the message of Council respecting the appointing two persons Trustees for *Province-Island*, in the room of *Robert Knox*, deceased, and *John Bayard*, removed from this state, report—

That agreeable to an act of Assembly, passed the twenty-seventh day of *November*, one thousand seven hundred and seventy-nine, it is enacted, that the Assembly shall appoint, by vote, Trustees for *Province-Island*; and as *Robert Knox*, one of the Trustees, is since dead, and *John Bayard*, one other of the Trustees, is removed out of the state, it is therefore necessary to appoint two Trustees in their room; for which reason they offer the following resolution, viz.

M m

Resolved,

Resolved, That this Assembly will, on *Saturday* next, appoint two persons Trustees, in the room of *John Bayard* and *Robert Knox*; the persons so to be appointed, together with the other Trustee, to be the Trustees for that part of the *State* or *Province-Island* which belongs to the state, agreeably to the acts of General Assembly in that case made.

The committee appointed *December* 8th last, on the resolution respecting the defence of the south-west frontier of this state, made report, which was read, as follows, *viz.*

The committee appointed to confer with Council on the subject of a defence for the south-west frontier of this state against the hostile incursions of the *Indians*, report—

That they have had a conference with a committee of Council on that subject; that the joint committees were of opinion that some provision ought to be made against the future depredations of the *Indians*, and that for this purpose they were further of opinion that the sum of *five hundred pounds* would be sufficient for the present year: Wherefore they beg leave to offer the following resolution, *viz.*

Resolved, That a committee be appointed to bring in a bill, to empower the Supreme Executive Council to provide for the defence of the south-west frontier of this state against the hostile incursions of the *Indians*, and to appropriate a sum not exceeding *five hundred pounds*, out of the revenues of the state, to defray the expences thereof.

Ordered to lie on the table.

The letter of *John Donaldson*, Esquire, Register-General, read yesterday, was read the second time.

Ordered, That it be referred to Mr. *Rawle*, Mr. *Clingan*, Mr. *Thomas*, Mr. *Hoge* and Mr. *Ryerson*, to report thereon.

The petition of *John Lytle*, read yesterday, was read the second time.

Ordered, That it be referred to Mr. *Britton*, Mr. *Maclay* and Mr. *Vaux*, to report thereon.

The petition of the inhabitants of the townships of *Washington*, *Turbutt* and *Derry*, in the county of *Northumberland*, read yesterday, was read the second time.

Ordered, That it be referred to Mr. *Maclay*, Mr. *White* and Mr. *D. Stewart*, to report thereon.

The memorial and petition of the Mayor, Aldermen and Citizens of *Philadelphia*, read *February* 16th, was read the second time.

Ordered, That it be referred to the members for the city of *Philadelphia*, to report thereon.

On motion of Mr. *Rawle*, seconded by Mr. *Boys*,

Resolved, That a committee be appointed to visit the *Pennsylvania Hospital*, and report the present state thereof to this House.

Ordered, That Mr. *Hiltzbeimer*, Mr. *Chapman*, Mr. *Kennedy*, Mr. *Maclay* and Mr. *Reiff* be a committee, for the purpose contained in the foregoing resolution.

A motion was made by Mr. *Finley*, seconded by Mr. *Marshall*,

To re-consider the resolution of this House of the 5th of *December* last, appointing a committee to bring in a bill for annexing the township of *Turkey-Foot*, in *Bedford* county, to the county of *Fayette*.

On the question,—“ *Will the House agree to re-consider?* ”

It was carried in the negative.

A motion

A motion was made by Mr. Rawle, seconded by Mr. Clingan, To re-consider the resolution adopted the eleventh instant on the report of the committee on ways and means, relative to that part of the message of Council which respects the claims of widows and children of deceased officers of the *Pennsylvania* line, &c.

Which was carried in the affirmative.

It was then moved by Mr. Rawle, seconded by Mr. Clingan,

To strike out the following words from the said resolution, viz. "to be paid out of the interest arising from the Loan-Office."

Which was carried in the affirmative, and the resolution, as amended, adopted.

The bill, entitled "An Act for settling the accounts of James Rowan, late Collector of taxes in the county of Philadelphia, and for other purposes therein mentioned," was read the second time, and considered by paragraphs.

Ordered, That it be transcribed for a third reading, and forthwith published for consideration.

The bill, entitled "A Supplement to the act, entitled "An Act to provide for the salaries of the Officers of the Land-Office," enacted the eighth day of December, one thousand seven hundred and eighty-nine, was read the third time, and considered by paragraphs.

Ordered, That it be engrossed, for the purpose of being enacted into a law.

Adjourned until ten o'clock to-morrow, A. M.

Friday, February 19, 1790. A. M.

The House met pursuant to adjournment.

Petitions from 1239 inhabitants residing in the eastern parts of *Dauphin* county were read, stating the great difficulties they labour under in attending the courts of justice at *Harrisburg*, and praying that a tract of country by them described may be erected into a separate county, agreeably to the lines therein mentioned, and that the seat of justice may be fixed at *Lebanon*.

Ordered to lie on the table.

Petitions from 209 inhabitants of the north-western parts of the county of *Dauphin* were read, praying that the petitions of the inhabitants residing in the eastern parts of *Dauphin* county for a division of said county may be granted, and that they be annexed to the county so to be erected.

Ordered to lie on the table.

A petition from a considerable number of the inhabitants of the townships *Moreland*, *Abington*, *Cheltenham* and *Springfield*, in the county of *Montgomery*, was read, praying they may be re-annexed to the county of *Philadelphia*.

Ordered to lie on the table.

A memorial from the Pastor and Trustees of the *German* religious society, Roman Catholics of the *Holy Trinity* Church, in the city of *Philadelphia*, was read, setting forth, that they have at a considerable expence erected a school for the education of the poor youth of the said congregation, and praying leave to bring in a bill, for the purpose of granting unto them a part of the unappropriated lands for the endowment of the said school.

Ordered to lie on the table.

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A memorial from *George Ingels*, Inspector of staves and heading, was read, setting forth, that there are divers defects in the laws relative to the inspection of staves and heading, and praying the same may be altered and amended.

Ordered to lie on the table.

The petition of a committee of the Carpenters Company of the city and county of *Philadelphia*, read yesterday, was read the second time.

Ordered, That the prayer thereof be granted.

The petition of *Peter Heisler*, read yesterday, was read the second time.

Ordered, That it be referred to the grand committee on claims, appointed November 3d last, to report thereon.

The report on the petition of *William Hestit*, read yesterday, was read the second time: Whereupon

Resolved, That *William Hestit* have leave to withdraw his petition.

The further report of the committee on ways and means, read February 17th, was read the second time: Whereupon

Resolved, That a special committee be appointed, to enquire, and report the reasons, why the public accounts have not been furnished to this House agreeably to law.

Ordered, That *Mr. Rawle*, *Mr. Thomas*, *Mr. Clingan*, *Mr. Hoge* and *Mr. Ryerson* be a committee, for the purposes contained in the foregoing resolution.

Resolved, That the State Treasurer be directed to call upon the County Treasurers, respectively, for duplicates of the carriage tax, as laid in each county, noting any allowances which the Commissioners may have made.

Resolved, That a committee be appointed to bring in a bill, to repeal much of the additional supplement to the acts for the regulation of the militia of this commonwealth, as directs the County Lieutenants to furnish cartridges to the militia on battalion days.

Ordered, That *Mr. Gurney*, *Mr. Ibrrie* and *Mr. Allison* be a committee, to bring in a bill conformably to the foregoing resolution.

Ordered, That the further consideration of the remainder of the said report be postponed.

On motion of *Mr. Rawle*, seconded by *Mr. Gurney*,

Resolved, That it is the opinion of this House, that the accumulated arrearages of public taxes have arisen in a considerable degree from the negligence of the persons whose proper duty it was to collect them, and from unnecessary and illegal indulgences extended in such cases; that the measures provided in the existing laws are sufficient, if duly enforced, to compel payment of such arrearages; that it is expedient for the interest of the commonwealth that the arrearages of its taxes should be collected without delay, and that the Supreme Executive Council be requested to enforce the due execution of the laws in this behalf.

The House resumed the consideration of the motion of *Mr. Finley*, seconded by *Mr. Rhea*, postponed February 13th, relative to the election of Representatives in the Congress of the United States.

Ordered, That the consideration thereof be postponed.

The committee of accounts made report, which was read; and on motion and by special order, the same was read the second time, and adopted as follows, viz.

The committee of accounts report—

That *Melchior Steiner*, printer, has presented his account for publishing sundry bills of the last session of this House in the *German* language, amounting to the sum of *twenty-three pounds ten shillings and four-pence*, which sum appearing to be due to the said *Melchior Steiner*, your committee offer the following resolution, *viz.*

Resolved, That the Speaker draw an order on the Treasurer of this state, in favour of *Melchior Steiner*, printer, for the sum of *twenty-three pounds ten shillings and four-pence*, in full of his account.

The bill, entitled “ *An Act to compensate William Lyon, Esquire*,” was read the third time, and considered by paragraphs.

Ordered, That it be engrossed, for the purpose of being enacted into a law.

The bill, entitled “ *An Act directing the payment of the accounts of sundry Deputy Surveyors of the depreciation lands*,” was read the third time, and considered by paragraphs.

Ordered, That it be engrossed, for the purpose of being enacted into a law.

The following bills having been brought in engrossed, were severally compared at the table, enacted into laws, and the Speaker directed to sign the same, *viz.*

An ACT for founding and endowing a public school in the town and county of Huntingdon.

A SUPPLEMENT to the act, entitled “ An Act to provide for the salaries of the Officers of the Land-Office.”

Adjourned until ten o'clock to-morrow, A. M.

Saturday, February 20, 1790. A. M.

The House met pursuant to adjournment.

A letter from his Excellency the President of the Supreme Executive Council was presented to the chair, and read, as follows, *viz.*

IN COUNCIL, Philadelphia, February 19th, 1790.

S I R,

HAVE the honor to transmit to you a resolve of Council of this day, relative to a petition from a number of the inhabitants of *Northampton*, residing on or near the *Nescopeck* road.

I am, S I R,

With great respect,

Your most obedient humble servant,

THOMAS MIFFLIN.

Honorable RICHARD PETERS, *Esquire*,

Speaker of the General Assembly.

And the resolution enclosed was also read; and on motion, and by special order, the same was read the second time.

Ordered, That it be referred to Mr. Britton, Mr. Ealer and Mr. Maclay, to report thereon.

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A letter from *John Nicholson*, Esquire, Comptroller-General, was read, containing remarks in answer to the letter from *John Donaldson*, Esquire, Register-General, read *February 17th* instant; and on motion, and by special order, the same was read the second time.

Ordered, That the same, together with its enclosures, be referred to Mr. Rawle, Mr. Thomas, Mr. Clingan, Mr. Hoge and Mr. Ryerson, to report thereon.

The petition of *George Ingels*, read yesterday, was read the second time.

Ordered, That it be referred to the city members, to report thereon.

The petition of a number of the inhabitants of the townships of *Moreland*, *Abington*, *Cheltenham* and *Springfield*, in the county of *Montgomery*, read yesterday, was read the second time.

Ordered, That it be referred to Mr. Rawle, Mr. Wynkoop, Mr. Miller, Mr. Kennedy and Mr. Lloyd, to report thereon.

The memorial of the Pastor and Trustees of the *German* religious society of *Roman Catholics* of the *Holy Trinity* church, in the city of *Philadelphia*, read yesterday, was read the second time.

Ordered, That it be referred to Mr. Lilly, Mr. Balliot and Mr. Miley, to report thereon.

The petitions of 1239 inhabitants of the county of *Dauphin*, read yesterday, were read the second time.

Ordered, That they be referred to Mr. Dering, Mr. Schmyser, Mr. Hoge, Mr. White and Mr. Riley, to report thereon.

The petitions of 209 inhabitants of the north-western parts of the county of *Berks*, read yesterday, were read the second time.

Ordered, That they be referred to the last named committee, to report thereon.

On motion,

Ordered, That Mr. Britton and Mr. Lloyd be added to the committee appointed *November 19th* last, respecting the act, entitled "*An Act for amending the penal laws of this state.*"

The petition of *William Schrater*, read *February 18th*, was read the second time.

Ordered, That it be referred to Mr. Baird, Mr. Gilchreest and Mr. Nevill, to report thereon.

Agreeably to the order of the day, the House proceeded to the election of two Trustees, in the room of *John Bayard* and *Robert Knox*, Esquires, for that part of the *Province* or *State-Island* which belongs to the state, agreeably to the act of General Assembly in that case made, and the ballots being taken, it appeared that the Honorable *Samuel Miles*, Esquire, and *Peter Dehaven*, were duly elected.

The report on the petitions of divers inhabitants of the counties of *Berks* and *Northumberland*, read *February 18th*, was read the second time.

Ordered, That the further consideration thereof be postponed.

The report on the petition of *Nathaniel Hurst* and others, read *December 5th* last, was read the second time; and the resolution therein contained being under consideration,

A motion was made by Mr. Finley, seconded by Mr. Boys,

To amend the same, so as to read as follows, viz.

Resolved, That a committee be appointed to bring in a bill, to give further time to *Nathaniel Hurst*, and all others in like circumstances, for the purpose

purpose of registering of such Negroe and Mulattoe children as they are possessed of, who have been born since the first day of *March*, 1780.

On the question,—“ *Will the House agree to the said amendment?*”

It was carried in the negative: Whereupon,

On motion of Mr. Rawle, seconded by Mr. Hiltzheimer,

Ordered, That the further consideration of the said report be postponed.

The committee appointed for the purpose reported a bill, entitled “ *An Act for further enlarging the time limited by the act, entitled “ An Act for facilitating the redemption of the bills of credit emitted in the year one thousand seven hundred and eighty-one, and for redeeming part of the funded debt of this state, for extending the time for patenting lands which were located before the declaration of independency, and for giving a right of pre-emption to actual settlers for procuring warrants for the lands by them occupied,” which was read the first time, and*

Ordered to lie on the table.

Pursuant to leave granted, a member presented to the chair a bill, entitled “ *An Act to incorporate the Carpenters Company of the city and county of Philadelphia,*” which was read the first time, and

Ordered to lie on the table.

The bill, entitled “ *An Act to regulate the exportation of Pot-Ash and Pearl-Ash,*” was read the third time, and considered by paragraphs.

Ordered, That it be engrossed, for the purpose of being enacted into a law.

Adjourned until three o'clock on *Monday* next, P. M.

Monday, February 22, 1790. P. M.

The House met pursuant to adjournment.

A petition from *Martha Flower*, widow of *Benjamin Flower*, deceased, late Colonel of a regiment of artillery and artificers in the service of the United States, was read, praying she may be by law entitled to all the emoluments granted to officers of the like rank in the service aforesaid, by virtue of certain acts of Congress, dated *May 15th*, 1778, and *August 24th*, 1780; and on motion, and by special order, the same was read the second time.

Ordered, That it be referred to Mr. Rawle, Mr. Thomas and Mr. D. Stewart, to report thereon.

A petition from *Mary Harrison* was read, setting forth, that *Joseph Galloway* became indebted to her in the sum of *one thousand four hundred pounds*, sterling money of *Great-Britain*, on the 8th day of *June*, 1770; that the said *Joseph Galloway* was afterwards attainted of high treason, and his estate forfeited to and sold for the use of the commonwealth; that the petitioner filed her claim in the Supreme Court, and obtained a decree against the said estate, but the said court limited the exchange at the low rate of *one hundred and fifty-five pounds*, *Pennsylvania* currency, for *one hundred pounds* sterling, which remains unpaid, and thereupon she applied to the court for a revision of said decree, for the purpose of altering the rate of exchange, but the Justices of the same court conceived themselves precluded from

from re-considering the subject; therefore praying this House to grant her relief in the premises.

Ordered to lie on the table.

The committee appointed *November 9th* last, on the memorial and petition of the Biscuit-Bakers of the city of *Philadelphia*, and others, made report, which was read, as follows, *viz.*

The committee, to whom was referred the petition of the Biscuit-Bakers of the city of *Philadelphia*, report—

That in their opinion it is at least doubtful, whether it would not be inconsistent with the constitution of the United States for any individual state to make the regulations requested in the said petition, without having first obtained the consent of the United States; nor does the utility of the regulation proposed appear to the committee so obvious, as to render it expedient to make such application on the part of this state to the United States: The following resolution is therefore submitted, *viz.*

Resolved, That the Biscuit-Bakers of the city of *Philadelphia* have leave to withdraw their petition.

Ordered to lie on the table.

The committee appointed *November 9th* last, on the petition of the Loaf-bread Bakers of the city of *Philadelphia*, and the vicinity thereof, made report, which was read, as follows, *viz.*

The committee, to whom was referred the petition of the Bakers of loaf bread of the city of *Philadelphia*, and the vicinity thereof, report—

That the request contained in the petition appears to have originated from a laudable desire of promoting the health and welfare of their fellow-citizens, yet as the laws in force, if duly executed, are sufficiently competent to prevent the repetitions of the frauds and adulterations of bread complained of, the committee apprehend the farther interference of the Legislature would be unnecessary: The following resolution is submitted, *viz.*

Resolved, That the Bakers of the city of *Philadelphia*, and the vicinity thereof, have leave to withdraw their petitions.

Ordered to lie on the table.

The committee appointed *February 18th*, on the petition of *John Lytle*, of *Northumberland* county, made report, which was read, as follows, *viz.*

The committee, to whom was referred the petition of *John Lytle*, of *Northumberland* county, report—

That in the opinion of your committee this House ought to be extremely cautious in interfering with the executive part of government, but at the same time; where lenity can be extended to the unfortunate, without injury to the public, it ought to be done: And as it appears to your committee that the petitioner, *John Lytle's*, case is singular and distressing, that his suffering is neither the effect of folly or vice, but the effect of a train of misfortunes that he could neither foresee or prevent, and as he only prays for a respite for some time, and as the state can still be secured in the balance due her, your committee are of opinion that the prayer of his petition ought to be granted: Influenced by these considerations, your committee offer the following resolution, *viz.*

That it be recommended to the Supreme Executive Council to stay any farther proceedings against the said *John Lytle*, of *Northumberland* county, for such time as they may judge reasonable and proper, and take such other steps as they judge necessary in order to secure the state; and that this resolution,

resolution, together with the petition of *John Lytle*, be transmitted to Council.

Ordered to lie on the table.

The committee appointed *November 20th* last, on the petition of a number of the draymen of the city of *Philadelphia*, made report, which was read, as follows, *viz.*

The committee on the petition of a number of the draymen of the city of *Philadelphia* report—

That the prayer of this petition is founded on the supposed hardship of enforcing the execution of a law passed in the year 1769, of which the petitioners alludge they were ignorant, at the time of providing themselves with carriages contrary to the provisions which it establishes. This induces the committee to observe, that it is a general principle, necessary for the safety of society, that a breach of the law cannot be justified by the ignorance of the offender. Were the contrary proposition admitted, all approaches to knowledge and improvement would be discouraged; he who wished to escape punishment would be sure to shun information, and, with the efficacy of the laws, the benefits of civil society would be destroyed. Of the case particularly in question the committee have only to remark, that the general relaxation of internal regulations, occasioned by the incidents of the late war, may perhaps suggest a lenient execution of the act, but that this House cannot grant the prayer of the petition, without endangering principles necessary to give effect to their own legislative procedures: And they submit the following resolution, *viz.*

Resolved, That leave be given to withdraw the petition presented by a number of the draymen of the city of *Philadelphia*.

Ordered to lie on the table.

The committee on ways and means, to whom was re-committed, *February 17th* instant, the petition of the inhabitants of *Peter's* township, in *Franklin* county, made report, which was read, as follows, *viz.*

The committee on ways and means, to whom was re-committed the petition of the inhabitants of *Peter's* township, in *Franklin* county, stating that *Thomas M'Dowell* had been appointed Collector of taxes in said township in the place of *Robert Wilson*, who had refused to serve; that *M'Dowell* did not choose to perform said duty, from an idea that his appointment, coming from the Commissioners of *Cumberland* county, was illegal; that had the taxes of the year 1782 been demanded in due time, money could have been easily raised to discharge the tax aforesaid; that demanding the whole now would be attended with ruinous oppression; and praying the House to authorise the Commissioners of *Franklin* county to proportion said tax, to be paid by three or four annual instalments.

The seventh section of the act of General Assembly, passed the ninth *September*, 1784, directs that all taxes or arrears of taxes laid, directed to be laid, or become due within *Franklin* county, before the passing of said act, shall be levied and collected in like manner as if said act had not been passed; from which your committee conclude, that the powers of the Commissioners of *Cumberland* are as effectual at this time as they were in the year 1782, so far as respects the appointment of persons to collect the arrears of taxes in *Peter's* township, laid prior to the division of said county, without the further intervention of the Legislature. The committee are

also inclined to believe, that seven years use of money will be a sufficient compensation to individuals for any disadvantage they may have experienced from the delay complained of; and therefore offer the following resolution, *viz.*

Resolved, That the inhabitants of *Peter's* township, in *Franklin* county, have leave to withdraw their petition.

Ordered to lie on the table.

The committee appointed for the purpose reported a bill, entitled "*An Act to repeal part of the additional supplement to the acts for the regulation of the militia of this commonwealth*," which was read the first time, and

Ordered to lie on the table.

The bill, entitled "*An Act to regulate the exportation of Pot-Ash and Pearl-Ash*," having been brought in engrossed, was compared at the table, enacted into a law, and the Speaker directed to sign the same.

On motion,

Ordered, That the bill, entitled "*An Act to incorporate the Carpenters Company of the city and county of Philadelphia*," be committed to Mr. *Rawle*, Mr. *Ashmead* and Mr. *Britton*.

Adjourned until ten o'clock to-morrow, A. M.

Tuesday, February 23, 1790. A. M.

The House met pursuant to adjournment.

A petition from the trustees of the public school of *Germantown* was read, setting forth, that they have erected a seminary of learning for the education of youth, but that the said town abounds with children, whose parents, although industrious, are not in circumstances to afford them proper education, nor do the funds arising from private benefactions enable the trustees to extend their assistance beyond the compass of a small number of the destitute youth of both sexes, and praying a part of the unappropriated lands may be granted them, with such other aids as this House may deem proper for present relief.

Ordered to lie on the table.

A petition from *Robert Thorn* was read, together with a certificate accompanying the same, setting forth, that he has expended a sum of money in removing the obstructions and clearing the navigation of the *Delaware*, at *Wells's* and *Howell's* Falls, a part of which hath been repaid him by individuals residing on and near the said river; nevertheless a balance still remains due to him of *forty pounds five shillings and eight-pence* for those services rendered to the public; therefore praying this House to grant him such compensation as they may judge proper.

Ordered to lie on the table.

The committee appointed *February 18th*, on the petitions of the inhabitants of *Brothers Valley*, *Elk-lick*, *Quemahoning*, *Milford*, and *Turkey-Foot* townships, in the county of *Bedford*, made report, which was read, as follows, *viz.*

The committee, to whom were referred the petitions of sundry inhabitants of *Bedford* county, beg leave to report—

That although the seat of justice in said county is very inconvenient to the petitioners, yet these townships being thinly settled, they are at present too

weak

weak to be erected into a separate county, especially as there is a committee appointed to bring in a bill to annex *Turkey-Foot* township to the county of *Fayette*: We therefore offer the following resolution, *viz.*

Resolved, That the petitions of a considerable number of the inhabitants of the townships of *Turkey-Foot*, *Brothers Valley*, *Elk-lick*, *Milford* and *Que-maboning*, in the county of *Bedford*, praying to be erected into a separate county, cannot at this time be granted.

Ordered to lie on the table.

On motion of Mr. *Maclay*, seconded by Mr. *White*,

Ordered, That the order of the day for the third reading of the bill, entitled "*An Act to enable the officers of the Land-Office to issue warrants of re-location in the cases therein described*," be postponed until *Friday* next, and that it be the order for that day.

The committee appointed *February* 15th, on the petition of *Laughlin M'Carney*, made report, which was read, as follows, *viz.*

The committee, to whom was referred the petition of *Laughlin M'Cartney* and others, report—

That your committee are of opinion, that as the magistrates of the county of *Northumberland* were acting under the authority and by the direction of government, those persons who furnished them with the necessary supplies on that occasion are entitled to a reasonable compensation for the same, but from the length of time that has elapsed since this business was transacted, and from the form in which the claimants have brought forward their accounts, your committee are unable to determine on the propriety of admitting them; but in order that justice may be done to those who furnished necessary supplies, and in order to prevent the state from being charged with any unjust or unnecessary expence, they submit the following resolution, *viz.*

Resolved, That a committee be appointed to bring in a bill, empowering the Supreme Executive Council to appoint suitable persons to meet at the town of *Sunbury*, who, after due notice given to the claimants, shall proceed to examine all claims made for provisions and supplies furnished the magistrates in their attempt to enforce the laws of *Pennsylvania* at *Wyoming*, in such way, and under such regulations, as Council shall direct and appoint; and the said Commissioners shall report their proceedings to Council for their approbation, and to be by them transmitted to the Comptroller-General for his examination; and empowering the President or Vice-President of Council to draw orders on the Treasurer of the state for the payment of each allowed claims, as also a reasonable compensation to the said Commissioners.

Ordered to lie on the table.

The report on the petition of *John Lytle*, read yesterday, was read the second time.

Ordered, That the same be re-committed.

The report read *February* 18th instant, on the subject of the defence of the south-west frontier of this state, was read the second time: Whereupon

A motion was made by Mr. *Ryerson*, seconded by Mr. *Allison*,

To postpone the consideration of the said report, in order to substitute the following motion in lieu thereof, *viz.*

Whereas it hath been represented to this House, from good authority, that the *Indians* have in every year, for many years past, harrassed and distressed

stressed the inhabitants on the western frontiers of this state, and are likely to continue so to do, unless some provision is made against their future murders and depredations: And whereas this commonwealth is desirous of procuring protection and safety for all its citizens, in as much as the peace, welfare and happiness of the state depend thereon.

Resolved, That this House hereby recommend to the Supreme Executive Council to make application to the President and Congress of the United States, requesting a protection for the inhabitants of the western frontiers of this state against the future hostile incursions of the *Indians*, and that this resolution be transmitted to Council, that they may take immediate measure thereon.

And on the question,—“ *Will the House agree to the postponement, for the purpose aforesaid?*”

It was carried in the affirmative, and the motion adopted.

The report on the petition of the Loaf-bread Bakers of the city of *Philadelphia*, and the vicinity thereof, read yesterday, was read the second time. Whereupon

Resolved, That the Bakers of the city of *Philadelphia* and the vicinity thereof, have leave to withdraw their petition.

The report on the petition of the Biscuit-bakers of the city of *Philadelphia*, read yesterday, was read the second time: Whereupon

Resolved, That the Biscuit-bakers of the city of *Philadelphia*, have leave to withdraw their petition.

The report on the petition of a number of the draymen of the city of *Philadelphia*, read yesterday, was read the second time: Whereupon

Resolved, That leave be given to withdraw the petition presented by a number of the draymen of the city of *Philadelphia*.

A motion was made by Mr. *Vaux*, seconded by Mr. *Kennedy*, in the words following, *viz.*

Resolved, That a committee be appointed, to consider the most proper mode of appointing the next Representatives for this state in the Congress of the United States, and report what they think most proper thereon. Whereupon

On motion of Mr. *Kennedy*, seconded by Mr. *Boys*,

Ordered, That the consideration thereof be postponed until *Thursday* next, and that the same, together with the motion made by Mr. *Finley*, seconded by Mr. *Rhea*, *February* 11th, be the order for that day.

On motion,

Ordered, That the committee appointed *November* 19th last, on that part of the report respecting the act, entitled “ *An Act to encourage and protect the manufactures of this state,*” be discharged.

On motion,

Ordered, That Mr. *Rawle* be added to the committee appointed *November* 4th, to bring in a bill to alter and amend the bankrupt laws, &c.

On motion,

Ordered, That Mr. *Gurney* be added to the committee appointed *November* 9th, to bring in a bill for the purpose of altering and amending the laws of this commonwealth.

The bill, entitled “ *An Act to suspend, for a limited time, so much of the act of Assembly to regulate the fisheries in the rivers Codorus and Conewago*”

"as relates to the erecting of platforms to the dams therein mentioned," was read the second time, and considered by paragraphs.

Ordered, That it be transcribed for a third reading, and forthwith published for consideration.

Adjourned until ten o'clock to-morrow, A. M.

Wednesday, February 24, 1790. A. M.

The House met pursuant to adjournment.

A petition from a number of the members of the Presbyterian Congregation of *East-Conococheague*, in the county of *Franklin*, was read, praying to be incorporated.

Ordered to lie on the table.

The committee appointed *February 18th*, to visit the *Pennsylvania Hospital*, made report, which was read, as follows, viz.

The committee appointed to visit the *Pennsylvania Hospital* beg leave to report—

That they have performed that service, and had the satisfaction to find that the several wards and apartments, as well as the patients in said hospital, were kept clean, warm and comfortable, and the œconomy of the house merits great approbation.

On comparing the accounts of several years, your committee were pleased to find that the capital stock of said hospital has increased within the last seven years between *six and seven thousand pounds*, owing to the contributions of well-disposed persons; but they are sorry to say, that the funds are yet too small to enable the Managers to render the institution so extensively useful as it formerly was, the late war having lessened their capital about *ten thousand pounds*. The capital at this time produces about *nine hundred pounds* year, and they expend nearly twice that sum.

Ordered to lie on the table.

The committee appointed *February 18th*, on the petition of the inhabitants of *Washington, Turbutt* and *Derry* townships, in the county of *Northumberland*, made report, which was read, as follows, viz.

The committee, to whom was referred the petition of the inhabitants of *Washington, Turbutt* and *Derry* townships, in *Northumberland* county, report—

That it appears to your committee that the petitioners are situate at an convenient distance from the place, where by law they are obliged to meet for the purpose of holding their annual elections: And whereas, agreeably to the eighteenth section of the constitution of this commonwealth, in order that the freemen of this commonwealth may enjoy the benefit of election equally as may be, until the representation shall commence as directed in the foregoing section, each county, at its own choice, may be divided into districts, &c. your committee submit the following resolution, viz.

That a committee be appointed to bring in a bill, to be enacted into a law, to enable the inhabitants of *Washington, Turbutt* and *Derry* townships, in the county of *Northumberland*, to hold their annual elections at the house now occupied by *Daniel Cruger*.

Ordered to lie on the table.

The petition of *Mary Harrison*, read *February 22d*, was read the second

Ordered, That it be referred to Mr. Gurney, Mr. Boys and Mr. Ryerson to report thereon.

The petition of *Robert Thorn*, read yesterday, was read the second time.

Ordered, That the same be referred to the committee on claims, to report thereon.

The report of the committee on the petition of the commissioners of *Dauphin* county, read *February* 15th, was read the second time: Whereupon

Resolved, That a committee be appointed to bring in a bill, to be passed into a law, for appropriating so much of the rents of the ferry called *Harri's* ferry, as may be sufficient for the purpose of completing the erecting of the necessary public buildings for the use of *Dauphin* county.

Ordered, That Mr. *Chapman*, Mr. *Erb* and Mr. *Lilly* be a committee, to bring in a bill conformably to the foregoing resolution.

The report of the committee on ways and means, on the petition of the inhabitants of *Peter's* township, in the county of *Franklin*, read *February* 22d, was read the second time: Whereupon

Resolved, That the inhabitants of *Peter's* township, in *Franklin* county, have leave to withdraw their petition.

Agreeably to leave given, *November* 30th last, the House resolved itself into a committee of the whole, in order to take into consideration the amendments proposed by Congress to the constitution of the United States.

Mr. Speaker quitted the chair, and the Chairman was placed therein.

After some time spent in discussing the subject,

The Chairman quitted the chair, and Mr. Speaker resumed it.

The Chairman then made report, which was read, as follows, *viz.*

The committee of the whole House beg leave to report——

That they have deliberately considered the several articles of amendment proposed by the Congress of the United States, and submit the following resolutions, *viz.*

Resolved, That this House do ratify the following articles, proposed by the Congress of the United States as amendments to the constitution of the United States, *viz.*

ART. III. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ART. IV. A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

ART. V. No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ART. VI. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ART. VII. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject, for the same offence, to be twice put in jeopardy of life or limb; nor shall

shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ART. VIII. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour, and to have the assistance of Counsel for his defence.

ART. IX. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact, tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

ART. X. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ART. XI. The enumeration in the constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ART. XII. The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Resolved, That a committee be appointed to bring in a bill, for the purposes contained in the above resolution.

Ordered to lie on the table.

Adjourned until ten o'clock to-morrow, A. M.

Thursday, February 25, 1790. A. M.

The House met pursuant to adjournment.

A petition from the trustees of the College, Academy and Charitable School of *Philadelphia*, in the commonwealth of *Pennsylvania*, was read, setting forth, that the funds of the said College, &c. have become insufficient to answer the laudable purposes of the institution; and praying, that in as much as the same is the most antient seminary in the state, they may not remain alone unendowed, and unassisted with the public bounty.

Ordered to lie on the table.

A petition from *Leonard Young* was read, stating his present distressed situation, occasioned by wounds received during the late war and other casualties, and praying this House to take the premises into consideration, and grant him relief.

Ordered to lie on the table.

The committee appointed *February 17th*, on the petition of *John Churchman*, made report, which was read, as follows, *viz.*

The committee, to whom was referred the petition of *John Churchman*, of the city of *Philadelphia*, praying for the patronage and assistance of this House to enable him to carry into effect certain principles, by which he is enabled (as is by him set forth) to determine the precise variation of the magnetic needle, for any part of the globe, for any time, past, present, or to come, and to ascertain thereby the longitude of any place, by sea or land, report—

That they have conferred with the said *John Churchman*, and enquired into the principles aforesaid; and although your committee cannot undertake

to

to define the properties, or to describe all the uses or benefits which may arise from the application of the principles aforesaid, yet they will hazard an opinion that the charts or maps delineated by, and now engraving under the direction of, the said *John Churchman*, may have a great tendency to lead into further discoveries of the true principles and laws of the variation of the magnetic needle, the application thereof to the useful purpose of regulating surveys of land, and possibly to the discovery of the longitude at sea and land, as set forth by the petitioner.

Your committee, under this belief, and understanding the expence of engraving the said charts or maps will be heavy for the petitioner to bear, and being unwilling to suffer any improvements in science to be lost to the public, are of opinion that the assistance of the Legislature should be extended to the petitioner, for the purpose aforesaid: Therefore submit the following resolution, *viz.*

Resolved, That a committee be appointed to bring in a bill, directing the Supreme Executive Council to subscribe for sets of *John Churchman's* "Variation Charts or Maps of all the Northern Hemisphere," (agreeably to the terms proposed by him for the publication thereof) for the use of this state, to be distributed as the Legislature may hereafter direct; to be paid for out of the fund particularly set apart by law for improvements.

Ordered to lie on the table.

The report on the petition of a number of the inhabitants of *Turkey-Foot, Brothers Valley, Elk-lick, Milford* and *Quemaboning* townships, in the county of *Bedford*, read *February 23d*, was read the second time: Whereupon

Resolved, That the prayer of the petitions of a considerable number of the inhabitants of the townships of *Turkey-Foot, Brothers Valley, Elk-lick, Milford* and *Quemaboning*, in the county of *Bedford*, praying to be erected into a separate county, cannot at this time be granted.

Agreeably to the order of the day, the House resumed the consideration of the motions made *February 13th* and *February 23d*, respecting the election of Representatives for this state in the Congress of the United States.

Mr. *Finley* then withdrew his motion made *February 13th*, seconded by Mr. *Rhea*,

And the motion of Mr. *Vaux* and Mr. *Kennedy* was adopted, as follows, *viz.*

Resolved, That a committee be appointed, to consider the most expedient mode of appointing Representatives for this state in the Congress of the United States, and report what they think most proper thereon.

A motion was then made by Mr. *Kennedy*, seconded by Mr. *Rhea*,

To appoint a grand committee, consisting of a member from each county, for the purpose contained in the foregoing resolution.

On the question,—“Will the House agree to appoint a grand committee?”

It was carried in the negative. Whereupon

Ordered, That Mr. *Rawle*, Mr. *Wynkoop*, Mr. *Dering*, Mr. *Kennedy*, Mr. *Nevil*, Mr. *MacLay* and Mr. *Lloyd* be a committee, to bring in a bill conformably to the said resolution.

The petition of the Trustees of the public school of *Germantown*, read *February 23d*, was read the second time.

Ordered, That it be referred to Mr. *Ashmead*, Mr. *Thomas* and Mr. *Moore*, to report thereon.

Agreeably

Agreeably to leave given, a member presented to the chair a bill, entitled "*An Act to incorporate the Protestant Episcopal Congregation belonging to St. David's (commonly called Radnor) Church, in the county of Delaware,*" which was read the first time, and

Ordered to lie on the table.

The bill, entitled "*An Act to repeal part of the additional supplement to the acts for the regulation of the militia of this commonwealth,*" was read the second time, and considered by paragraphs.

Ordered, That it be transcribed for a third reading, and forthwith published for consideration.

The bill, entitled "*An Act for further enlarging the time limited by the act, entitled 'An Act for facilitating the redemption of the bills of credit emitted in the year one thousand seven hundred and eighty-one, and for redeeming part of the funded debt of this state, for extending the time for patenting lands which were located before the declaration of independency, and for giving a right of pre-emption to actual settlers for procuring warrants for the lands by them occupied,'*" was read the second time.

Ordered, That the consideration thereof be postponed.

The House resumed the consideration of the bill, entitled "*An Act to provide for the renewal of certificates in the cases therein mentioned.*"

A motion was made by Mr. Rawle, seconded by Mr. Boys,

To re-consider the first enacting clause.

Which was carried in the affirmative.

After some debate,

On the question,—"*Will the House agree to the said clause?*"

It was determined in the negative.

A letter from John Nicholson, Esquire, Comptroller-General, was read.

Ordered to lie on the table.

Adjourned until ten o'clock to-morrow, A. M.

Friday, February 26, 1790. A. M.

The House met pursuant to adjournment.

A motion was made by Mr. Rawle, seconded by Mr. Vaux,

To expunge that part of the minutes of yesterday, which contains the order on the reading of the Comptroller-General's letter, viz. "*Ordered to lie on the table.*"

On the question,—"*Shall the said words, 'Ordered to lie on the table,' be expunged?*"—the Yeas and Nays being called by Mr. Kennedy and Mr. Gurney, were as follow, viz.

Y E A S.

- 1 Lawrence Sickel,
- 2 Jacob Hiltzbeimer,
- 3 William Rawle,
- 4 Francis Gurney,
- 5 Samuel Ashmead,
- 6 Thomas Britton,
- 7 Gerardus Wynkoop,
- 8 Valentine Upp,
- 9 John Chapman,

Y E A S.

- 10 James Bryan,
- 11 Richard Thomas,
- 12 Richard Downing, jun.
- 13 James Clemson,
- 14 Henry Dering,
- 15 Jacob Erb,
- 16 John Miller,
- 17 Thomas Clingan,
- 18 Jacob Schmyser,

Qq

Y E A S.

Y E A S.

- 19 *John Stewart,*
- 20 *Thomas Lilley,*
- 21 *William Godfrey,*
- 22 *Peter Ealer,*
- 23 *Conrad Ihrie, jun.*
- 24 *Anthony Lerch, jun.*
- 25 *Thomas Ryerson,*
- 26 *Jacob Reiff,*

N A Y S.

- 1 *Elias Boys,*
- 2 *John Hopkins,*
- 3 *James Cunningham,*
- 4 *Joseph Reed,*
- 5 *Thomas Kennedy,*
- 6 *David Mitchell,*
- 7 *Jonathan Hoge,*
- 8 *John Ludwig,*
- 9 *Nicholas Lutz,*
- 10 *John Moore,*
- 11 *Herman Husband,*
- 12 *Samuel MacLay,*
- 13 *John White,*

Y E A S.

- 27 *Jonathan Roberts,*
- 28 *Benjamin Markley,*
- 29 *James Vaux,*
- 30 *John Carson,*
- 31 *James M^cCreight,*
- 32 *David Stewart,*
- 33 *Hugh Lloyd,*
- 34 *Richard Riley.*

N A Y S.

- 14 *John Baird,*
- 15 *James Barr,*
- 16 *James Allison,*
- 17 *Alexander Wright,*
- 18 *James Marshall,*
- 19 *John Gilcbreest,*
- 20 *James Finley,*
- 21 *James Johnston,*
- 22 *John Rhea,*
- 23 *Jacob Miley,*
- 24 *John Nevil,*
- 25 *John Harris.*

So it was carried in the affirmative.

A letter from the Comptroller-General was read, containing an account of certain transactions between the Register-General and himself, in their official intercourse.

Ordered to lie on the table.

A memorial and petition from *James Biddle*, Esquire, Prothonotary of the Court of Common Pleas of *Philadelphia* county, was read, setting forth that on the twentieth day of *March*, 1783, an act was passed, laying a duty of *five shillings and seven-pence* upon all original, judicial and mesne process issuing out of the office of Prothonotary of the said county; that since the passing of the said law a considerable part of the said county hath been erected into a separate county, the jurisdiction of Justices of the Peace extended in matters of debt to the sum of *ten pounds*, and original jurisdiction given to the Supreme Court in cases above the value of *fifty pounds*; that from these, and other causes, the number of suits brought in the said court hath vastly diminished, and is still decreasing, and the profits of the said office while charged with the said tax, no longer capable of yielding a support adequate to the importance of it; therefore praying he may be relieved from the payment of the said tax.

Ordered to lie on the table.

The petition of the members of the Presbyterian congregation of *East Conococheague*, read *February* 24th, was read the second time.

Ordered, That the prayer thereof be granted.

The committee appointed *November* 27th last, on the petition of *Samuel Delap*, made report, which was read, as follows, *viz.*

The

The committee, to whom was referred the petition of *Samuel Delap*, praying that the duty and all restrictions be taken off the sale of books by auction, report—

That they have considered the subject, without being able to discover any good reason why this species of property should be exempted from duty; and therefore offer the following resolution, *viz.*

Resolved, That the prayer of the petition of *Samuel Delap* ought not to be granted, and that he have leave to withdraw his petition.

Ordered to lie on the table.

The committee appointed *November 27th* last, on the petition of *John Chaloner* and others, made report, which was read, as follows, *viz.*

The committee, to whom was referred the petition of *John Chaloner* and others, praying that a law may be enacted, to authorise such additional number of persons to hold auctions in the city of *Philadelphia*, and its liberties, as can give satisfactory security for the duties to the state, after investigating the subject, are of opinion that some alterations ought to take place in the existing laws; that lowering the duty upon sales of wet goods, and such as are generally called groceries, would render the revenue more productive; and therefore offer the following resolution, *viz.*

Resolved, That a committee be appointed to bring in a bill, to licence an additional number of Auctioneers in the city of *Philadelphia*, and the neighbourhood thereof, under such regulations and restrictions as this Assembly shall judge expedient, and to bring in a clause to reduce the present duty upon the sales of all wet goods and groceries sold at vendue.

Ordered to lie on the table.

The committee appointed *February 12th* instant, on the representation of the Managers of the *Pennsylvania Hospital*, made report, which was read, as follows, *viz.*

The committee on the representation of the Managers of the *Pennsylvania Hospital* report—

That although a general mode of compelling Executors to give notice of legacies and devises of a public or charitable nature would be consistent with justice and sound policy, yet the committee have been unable to devise any plan for the purpose, which would not be attended with inconveniencies: The following resolution is therefore submitted, *viz.*

Resolved, That the Managers of the *Pennsylvania Hospital* have leave to withdraw their representation made to this House.

Ordered to lie on the table.

The report on the petition of *Laughlin M'Cartney*, read *February 23d*, was read the second time.

And on the question,—“ *Will the House agree to the following resolution?*” *viz.*

Resolved, That a committee be appointed to bring in a bill, empowering the Supreme Executive Council to appoint suitable persons to meet at the town of *Sunbury*, who, after due notice given to the claimants, shall proceed to examine all claims made for provisions and supplies furnished the magistrates in their attempt to enforce the laws of *Pennsylvania* at *Wyoming*, in such way, and under such regulations, as Council shall direct and appoint; and the said Commissioners shall report their proceedings to Council

cil for their approbation, and to be by them transmitted to the Comptroller-General for his examination; and empowering the President or Vice-President in Council to draw orders on the Treasurer of the state for the payment of such allowed claims, as also a reasonable compensation to the said Commissioners.

It was carried in the negative.

On motion of Mr. Rawle, seconded by Mr. Kennedy,

Ordered, That *Monday* next be assigned for the second reading of the report of the committee of the whole on the subject of the amendments proposed by Congress to the constitution of the United States, and that it be the order for that day.

Agreeably to the order of the day, the bill, entituled "*An Act to enable the Officers of the Land-Office to issue warrants of re-location in the cases therein described,*" was read the third time.

And the first enacting clause being under consideration,

A motion was made by Mr. Kennedy, seconded by Mr. Hoge, To adjourn.

Adjourned, accordingly, until ten o'clock to-morrow, A. M.

Saturday, February 27, 1790. A. M.

The House met pursuant to adjournment.

A petition from a number of the inhabitants of the county of *Berks* was read, setting forth, that the laws now in force for the preservation of the fish, and facilitating the navigation of the river *Schuylkill*, are inadequate to answer the good purposes thereby intended, on account of the numerous dams which obstruct the same.

Ordered to lie on the table.

A petition from *John Webb* was read, setting forth, that in the year 1774 he mortgaged to the Trustees of the then General Loan-Office a certain tract of land, situated in the county of *Northumberland*, to secure the payment of *one hundred and ninety-two pounds*; that by reason of the late *Indian* war, and other misfortunes, he is unable to discharge the said mortgage, and the interest thereon accrued; and praying this House to grant him relief in the premises.

Ordered to lie on the table.

A letter from the Comptroller-General was read, stating, that he is possessed of a large number of certificates of depreciation, new-loan and funded debt, which have been redeemed by the sales of lands, lots, &c. the property of the state, and also of new-loan debt, which have been redeemed by exchanging for them the continental certificates; likewise a great number of each of the species aforesaid, taken in for others granted for accommodation of individuals and change in the land-office; and suggesting the propriety of passing an act, authorising the committee of accounts to count, burn and destroy the same.

Ordered to lie on the table.

The petition of *Leonard Young*, read *February 25th*, was read the second time.

Ordered, That it be referred to the grand committee on claims, to report thereon.

The

The petition of the trustees of the College, Academy and Charitable School of *Philadelphia*, read *February* 25th instant, was read the second time.

Ordered, That it be referred to Mr. *Chapman*, Mr. *Lilley* and Mr. *Hoge*, to report thereon.

The House resumed the consideration of the report on the petition of a number of the inhabitants of the counties of *Berks* and *Northumberland*, respecting a road to *Catawessy*, postponed *February* 20th instant.

Ordered, That it be re-committed.

The report on the petition of *John Chaloner* and others, read *February* 26th, was read the second time: Whereupon

Resolved, That a committee be appointed to bring in a bill, to licence an additional number of Auctioneers in the city of *Philadelphia*, and the neighbourhood thereof, under such regulations and restrictions as this Assembly shall judge expedient, and to bring in a clause to reduce the present duty upon the sales of all wet goods and groceries sold at vendue.

Ordered, That Mr. *Chapman*, Mr. *Clingan* and Mr. *Hoge* be a committee, to bring in a bill conformably to the foregoing resolution.

Agreeably to leave given, a member presented to the chair a bill, entituled "*An Act to incorporate the Presbyterian Congregation of East-Conococheague, in the county of Franklin,*" which was read the first time, and

Ordered to lie on the table.

The consideration of the first enacting clause of the bill, entituled "*An Act to enable the Officers of the Land-Office to issue warrants of re-location in the cases therein described,*" recurring; after some debate thereon,

On the question,—"*Will the House agree to the same?*"

It was determined in the negative.

Adjourned until three o'clock on *Monday* next, P. M.

Monday, March 1, 1790. P. M.

The House met pursuant to adjournment.

The committee on claims, to whom was referred, *February* 24th, the petition of *Robert Thorn*, made report, which was read, as follows, viz.

The committee on claims, to whom was referred the petition of *Robert Thorn*, report—

That they have examined his claim, and are satisfied that the service was performed in the *Delaware* at those places mentioned in his petition, and to the advantage of navigation, and are of opinion that the said *Robert Thorn* ought to be paid the balance of his account, being *forty pounds five shillings and eight-pence*; and therefore offer the following resolution, viz.

Resolved, That a committee be appointed to bring in a bill, to authorise the President or Vice-President in Council to draw an order on the State Treasurer, in favour of *Robert Thorn*, for the sum of *forty pounds five shillings and eight-pence*, payable out of the *fifteen hundred pounds* appropriated for clearing the rivers *Delaware* and *Lehigh*.

Ordered to lie on the table.

On motion,

Ordered, That Mr. *Rawle*, Mr. *Britton*, Mr. *Ryerson* and Mr. *D. Stewart* be added to the committee, to whom was referred the petition of the trustees

of *Dickinson College*, and the petition of the trustees of the College, Academy and Charitable School of *Philadelphia*.

The petition of *James Biddle*, Esq; read *February 26th*, was read the second time.

Ordered, That it be referred to Mr. *Rawle*, Mr. *Ryerfon* and Mr. *Carson*, to report thereon.

The petition of *John Webb*, read *February 27th*, was read the second time.

Ordered, That it be referred to Mr. *Britton*, Mr. *Maclay* and Mr. *Vaux*, to report thereon.

The letter from the Comptroller-General, read *February 27th*, was read the second time.

Ordered, That it be referred to Mr. *Gurney*, Mr. *Wynkoop* and Mr. *Hoge*, to report thereon.

Agreeably to the order of the day, the report of the committee of the whole on the several articles proposed by Congress as amendments to the constitution of the United States, read *February 24th*, was read the second time: Whereupon

A motion was made by Mr. *Maclay*, seconded by Mr. *Harris*,

To postpone the said report, in order to take into consideration the first Article of the said proposed amendments, viz.

“ART. I. After the first enumeration required by the first Article of the constitution, there shall be one representative for every thirty thousand, until the number shall amount to one hundred; after which the proportion shall be so regulated by Congress, that there shall be not less than one hundred representatives, nor less than one representative for every forty thousand persons, until the number of representatives shall amount to two hundred; after which the proportion shall be so regulated by Congress, that there shall not be less than two hundred representatives, nor more than one representative for every fifty thousand persons.”

On the question,—“Will the House agree to the postponement, for the afore-said purpose?”—the Yeas and Nays being called by Mr. *Kennedy* and Mr. *Johnston*, were as follow, viz.

Y E A S.

- 1 *Francis Gurney*,
- 2 *Thomas Clingan*,
- 3 *Joseph Reed*,
- 4 *John Stewart*,
- 5 *Thomas Kennedy*,
- 6 *David Mitchell*,
- 7 *Jonathan Hoge*,
- 8 *John Ludwig*,
- 9 *Nicholas Lutz*,
- 10 *Anthony Lerch*,
- 11 *John Moore*,
- 12 *Samuel Maclay*,
- 13 *John White*,
- 14 *John Baird*,

N A Y S.

- 1 *Lawrence Sickie*,
- 2 *Jacob Hiltzheimer*,

Y E A S.

- 15 *James Barr*,
- 16 *James Allison*,
- 17 *Alexander Wright*,
- 18 *James Marshall*,
- 19 *John Gilcbreest*,
- 20 *James Finley*,
- 21 *James Johnston*,
- 22 *John Rhea*,
- 23 *Benjamin Markley*,
- 24 *Jacob Miley*,
- 25 *John Carson*,
- 26 *James M'Creight*,
- 27 *John Harris*.

N A Y S.

- 3 *William Rawle*,
- 4 *Samuel Ashmead*,

N A Y S.

N A Y S.

- 5 Thomas Paul,
- 6 Thomas Britton,
- 7 Elias Boys,
- 8 Gerardus Wynkoop,
- 9 Valentine Upp,
- 10 John Chapman,
- 11 James Bryan,
- 12 Richard Thomas,
- 13 Richard Downing, jun.
- 14 James Clemson,
- 15 John Hopkins,
- 16 Henry Dering,
- 17 James Cunningham,
- 18 Jacob Erb,

N A Y S.

- 19 John Miller,
- 20 Jacob Schmyser,
- 21 Thomas Lilley,
- 22 William Godfrey,
- 23 Stephen Bulliot,
- 24 Conrad Ihrie, jun.
- 25 Herman Husband,
- 26 Thomas Ryerson,
- 27 Jacob Reiff,
- 28 Jonathan Roberts,
- 29 James Vaux,
- 30 Obadiab Gore,
- 31 John Nevil,
- 32 Richard Riley.

So it was carried in the negative.

And the said report recurring, the House adopted the following resolutions, contained in the same, viz.

Resolved, That this House do ratify the following articles, proposed by the Congress of the United States as amendments to the constitution of the United States, viz.

ART. III. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ART. IV. A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

ART. V. No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ART. VI. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ART. VII. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject, for the same offence, to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ART. VIII. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour, and to have the assistance of counsel for his defence.

ART. IX.

ART. IX. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact, tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

ART. X. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ART. XI. The enumeration in the constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ART. XII. The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Resolved, That a committee be appointed to bring in a bill, for the purposes contained in the above resolution.

Ordered, That Mr. Rawle, Mr. Wynkoop and Mr. Kennedy be a committee, to bring in a bill conformably to said resolutions.

The report on the petition of *John Churchman*, read *February 25th*, was read the second time: Whereupon

Resolved, That a committee be appointed to bring in a bill, directing the Supreme Executive Council to subscribe for sets of *John Churchman's* "Variation Charts or Maps of all the Northern Hemisphere," (agreeably to the terms proposed by him for the publication thereof) for the use of this state, to be distributed as the Legislature may hereafter direct; to be paid for out of the fund particularly set apart by law for improvements.

Ordered, That Mr. Chapman, Mr. Thomas and Mr. Maclay be a committee, for the purpose contained in the foregoing resolution.

The committee, to whom was re-committed, *February 27th*, the report on the petition of a number of the inhabitants of the counties of *Berks* and *Northumberland*, made report, which was read, as follows, *viz.*

The committee, to whom was re-committed the petition of a number of the inhabitants of *Berks* and *Northumberland*, beg leave to report—

That as a general plan of improving the roads and internal navigation of this state has been for some time in agitation, and proper measures for obtaining the necessary information thereunto relating are now taking, by direction of the Legislature, it will be expedient to postpone the consideration of any particular improvement, until they shall be found to be proper parts of the general system.

The committee therefore submit the following resolution, *viz.*

Resolved, That the petitioners for a road to *Catawessy*, through *Berks* and *Northumberland*, have leave to withdraw their petition.

Ordered to lie on the table.

The report on the representation of the Managers of the *Pennsylvania Hospital*, read *February 26th*, was read the second time: Whereupon

Resolved, That the Managers of the *Pennsylvania Hospital* have leave to withdraw their representation made to this House.

The report on the petition of *Samuel Delap*, read *February 26th*, was read the second time: Whereupon

Resolved, That the prayer of the petition of *Samuel Delap* ought not to be granted, and that he have leave to withdraw his petition.

The report of the committee on that part of the message of Council, which respects the northern boundary line of this state being inserted in *Reading Howell's* map, read *February 16th*, was read the second time: Whereupon

Resolved,

Resolved, That a clause be inserted in the bill now before the House, entitled "*An Act in favour of Reading Howell*," authorising him, under the directions of Council, to delineate in his map the lines of this state, as established by law, or otherwise agreed on and ascertained.

A motion was made by Mr. *Maclay*, seconded by Mr. *Rawle*,
To re-consider the resolution adopted *February* 26th, on the report of the committee appointed on the petition of *Laughlin M'Cartney* and others.
And on the question,—"*Will the House agree to re-consider the said resolution?*"

It was carried in the affirmative: Whereupon
Ordered, That the said report be re-committed.

The bill, entitled "*An Act to repeal part of the additional supplement to the acts for the regulation of the militia of this commonwealth*," was read the third time, and considered by paragraphs.

Ordered, That it be engrossed, for the purpose of being enacted into a law.

The bill, entitled "*An Act for the payment of the claim of Turnbull, Marmie and Company*," was read the third time, and considered by paragraphs.

A motion was then made by Mr. *Rawle*, seconded by Mr. *Kennedy*,
To re-consider the enacting clause, for the purpose of postponing the consideration of the said bill.

On the question,—"*Will the House agree to re-consider, for the aforesaid purpose?*"

It was carried in the affirmative.

Adjourned until ten o'clock to-morrow, A. M.

Tuesday, March 2, 1790. A. M.

The House met pursuant to adjournment.

A petition from the Justices of the Court of Common Pleas for the county of *Chester* was read, praying the bill, entitled "*An Act for the better regulation and support of the poor of Chester county*," which was depending in the late House of Assembly, may be taken into consideration, and passed into a law.

Ordered to lie on the table.

A petition from *William Murray* was read, setting forth, that in the year 1774 he mortgaged his plantation, situated in the county of *Northumberland*, to the Trustees of the then General Loan-Office, to secure the payment of one hundred and eighty-four pounds, with the interest thereon accruing, by yearly instalments, and stating that he hath paid part of the said principal and interest, but by reason of his serving as Sub-Lieutenant for three years within the said county, and receiving a certificate for those services for the sum of ten pounds sixteen shillings and six-pence only, he is rendered unable to discharge the principal and interest remaining unpaid on said mortgage.

Ordered to lie on the table.

A petition from divers inhabitants of the townships of *Birmingham* and *Thornbury*, in the county of *Delaware*, was read, praying the lines of the said county may be extended up the *Brandywine* to *Painter's ford*, or to the

West-town line, and along the said line to the *Edgemont* road; and on motion, and by special order, the same was read the second time.

Ordered, That it be referred to Mr. *Moore*, Mr. *Nevil* and Mr. *Rhea*, to report thereon.

A petition from a number of the inhabitants of the township of *Fannet*, in the county of *Franklin*, was read, stating their inability to pay the taxes assessed on them in the years 1781, 1782 and 1783, and praying they may be exonerated from the payment thereof.

Ordered to lie on the table.

A petition from the freeholders and other inhabitants of the township of *Birmingham*, in the county of *Delaware*, was read, praying they may be re-annexed to *Chester* county; and on motion, and by special order, the same was read the second time.

Ordered, That it be referred to Mr. *Moore*, Mr. *Nevil* and Mr. *Rhea*, to report thereon.

On motion of Mr. *Rawle*, seconded by Mr. *Hiltzkeimer*,

Ordered, That the committee appointed *November* 13th last, to bring in a bill to amend the several acts of Assembly of this state relative to the Board of Wardens for the port of *Philadelphia*, be discharged.

A motion was made by Mr. *Ryer*son, seconded by Mr. *Marshall*, as follows, viz.

Whereas this House did on the twenty-third day of *February* last pass a resolution, recommending it to the Supreme Executive Council to make application to the President and Congress of the United States for a protection against the hostile incursions of the *Indians* on the western frontiers of this state: And whereas the season is now nearly arrived when the hostile attacks of the *Indians* usually commence, and as it is probable that some time must necessarily elapse, before any protection can be afforded to the said frontiers by the United States: Therefore

Resolved, That the President and Supreme Executive Council be hereby directed to take such measures for the safety of the south-west frontier of this state, as to them may seem proper, and to draw on the Treasurer of the state for such sum or sums of money as may be necessary for the above purpose, provided the same shall not exceed *one hundred and fifty pounds*; to be paid out of the general revenues of the state.

Ordered to lie on the table.

The committee appointed *February* 12th last, on the petition of *Lewis Nicolas*, made report, which was read, as follows, viz.

The committee, to whom was referred the petition of *Lewis Nicolas*, keeper of the work-house of the city and county of *Philadelphia*, report—

That as the penal laws are now under consideration of a committee of this House, and as the prayer of the petition involves a subject which will necessarily fall under their deliberation, and as it may be in their power to afford relief, without occasioning any additional expence to the city or county, therefore the following resolution is submitted, viz.

Resolved, That the petition of *Lewis Nicolas*, keeper of the work-house of the city and county of *Philadelphia*, be referred to the committee on the penal laws, to act thereon as they may think proper.

Ordered to lie on the table.

The report of the committee, read yesterday, on the petition of *Robert Thorn*, was read the second time: Whereupon

Resolved,

Resolved, That a committee be appointed to bring in a bill, to authorise the President or Vice-President in Council to draw an order on the State Treasurer, in favour of *Robert Thorn*, for the sum of *forty pounds five shillings and eight-pence*, to be paid out of the *five thousand pounds* specially appropriated by law for the payment of claims, as soon as that fund shall be sufficiently productive.

Ordered, That *Mr. Chapman*, *Mr. Mitchell* and *Mr. Johnston* be a committee, to bring in a bill conformably to the foregoing resolution.

The committee appointed for the purpose reported a bill, entitled "*An Act declaring the assent of this State to certain amendments to the constitution of the United States*," which was read the first time, and

Ordered to lie on the table.

The committee appointed for the purpose reported a bill, entitled "*An Additional Supplement to the several acts of Assembly respecting public auctions and auctioneers*," which was read the first time, and

Ordered to lie on the table.

The bill, entitled "*An Act for settling the accounts of James Rowan, late collector of taxes in the county of Philadelphia, and for other purposes therein mentioned*," was read the third time, and considered by paragraphs.

Ordered, That it be engrossed, for the purpose of being enacted into a law.

The House resumed the consideration of the bill, entitled "*An Act relating to the securities to be given by Sheriffs and Coroners*;" and having fully considered the same by paragraphs,

Ordered, That it be engrossed, for the purpose of being enacted into a law.

Adjourned until ten o'clock to-morrow, A. M.

Wednesday, March 3, 1790. A. M.

The House met pursuant to adjournment.

A letter from the Comptroller-General was read, stating certain official transactions between him and the Register-General.

Ordered to lie on the table.

Petitions from 238 freeholders and taxable inhabitants of the townships of *Mount-Pleasant* and *Berwick*, in the county of *York*, were read, remonstrating against a division of said county, and praying, that if this House should deem it expedient to erect a part thereof into a separate county, they may be continued and remain within the lines of the county of *York* aforesaid; and on motion, and by special order, the same were read the second time.

Ordered, That they be referred to *Mr. Gurney*, *Mr. Britton*, *Mr. Chapman*, *Mr. Thomas*, *Mr. Erb*, *Mr. Ludwig*, *Mr. Ealer*, *Mr. Ryerson* and *Mr. Riley*, to report thereon.

A petition from 77 inhabitants of *Germany* township, in the county of *York*, was read, remonstrating against a division of the said county; and on motion, and by special order, the same was read the second time.

Ordered, That it be referred to the last named committee, to report thereon.

The petition of *William Murray*, read yesterday, was read the second time.

Ordered,

Ordered, That it be referred to Mr. Britton, Mr. Maclay and Mr. Vaux, to report thereon.

The petition of divers inhabitants of the county of *Berks*, read *February* 27th, was read the second time.

Ordered, That it be referred to Mr. Rawle, Mr. Ludwig, Mr. Dering, Mr. Balliot, Mr. Maclay, Mr. Ryerson and Mr. Carson, to report thereon.

The committee appointed *February* 20th, on the petition of the Pastor and Trustees of the *German* religious society of *Roman Catholics* of the *Holy Trinity* church, in the city of *Philadelphia*, made report, which was read, as follows, *viz.*

The committee, to whom was referred the petition of the corporation of the Pastor and Trustees of the *German* religious society of *Roman Catholics* of the *Holy Trinity* church, in the city of *Philadelphia*, beg leave to report—

That it appears to your committee, that the said corporation has instituted a free school for the tuition of the poor children belonging to the said society; that their funds at this time are insufficient to make the institution generally useful, and it is reasonable that like aid should be afforded them as hath been granted to similar institutions: Therefore submit the following resolution, *viz.*

Resolved, That the corporation of the Pastor and Trustees of the *German* religious society of *Roman Catholics* of the *Holy Trinity* church, in the city of *Philadelphia*, have leave to bring in a bill, for the purpose of being enacted into a law, vesting in the said corporation _____ acres of land, out of the sixty thousand acres set apart by the act of General Assembly, passed the seventh day of *April*, 1786.

Ordered to lie on the table.

The committee appointed *February* 22d, on the petition of *Martha Flower*, made report, which was read, as follows, *viz.*

The committee on the petition of *Martha Flower*, widow of Colonel *Benjamin Flower*, report—

That it appears the late Colonel *Benjamin Flower* held a commission as Colonel, commanding a corps of artillery and artificers in the service of the United States, from the sixteenth day of *July*, 1776, to the time of his death, in the year 1781; that by a resolution of Congress of the eleventh day of *February*, 1778, his corps was expressly declared to be entitled to all the benefits allowed to the corps of artillery in the same service; that the Act of Assembly, passed the first day of *March*, 1780, grounded upon the resolution of Congress of the fifteenth day of *May*, 1778, extending the benefits contained in that resolution to the widows of such officers as came within the meaning of that resolve, appears to your committee to be a recognition of those principles, upon which the prayer of the petitioner is founded: The committee therefore apprehend that the claim of Mrs. *Flower* is equally entitled to the bounty of Congress, through the intervention of this state, in the manner adopted in so many other cases, and submit the following resolution, *viz.*

Resolved, That a committee be appointed to bring in a bill, to be enacted into a law, for the purpose of extending to *Martha Flower*, widow of Colonel *Benjamin Flower*, the same relief, as in and by an act, entitled “*An Act* “*for the more effectual supply and honorable reward of the Pennsylvania troops,*

“ in

"in the service of the United States of America," is extended to the widows of military officers therein mentioned.

Ordered to lie on the table.

The committee appointed *February 19th*, on the petition of *Peter Heisler*, made report, which was read, as follows, *viz.*

The committee of claims, to whom was referred the petition of *Peter Heisler*, beg leave to report—

That they have duly considered the subject matter of said petition, and find that the militia fines are the fund for the payment of such claims, and that any further interference of the House at this time would be improper; and offer the following resolution, *viz.*

Resolved, That the prayer of the petition of *Peter Heisler* ought not to be granted, and that he have leave to withdraw his petition.

Ordered to lie on the table.

The report on the petition of *Lewis Nicolas*, read *March 2d*, was read the second time: Whereupon

Resolved, That the petition of *Lewis Nicolas*, keeper of the work-house of the city and county of *Philadelphia*, be referred to the committee on the penal laws, to act thereon as they may think proper.

The committee appointed *February 27th*, on the petition of *Leonard Young*, made report, which was read, as follows, *viz.*

The committee, to whom was referred the petition of *Leonard Young*, report—

That they have examined the subject matter of said petition, and find that his claim is properly against the United States, and that it would be improper for this state to assume the payment, and that he ought to apply to Congress for relief; and offer the following resolution, *viz.*

Resolved, That the prayer of *Leonard Young*, as set forth in his petition, ought not to be granted, and that he have leave to withdraw his petition.

Ordered to lie on the table.

The House resumed the consideration of the motion made by Mr. *Cunningham*, seconded by Mr. *Clingan*, *December 2d* last, respecting the sale of the barracks in the borough of *Lancaster*.

A motion was then made by Mr. *Gurney*, seconded by Mr. *Dering*,

To postpone the consideration of the said motion, in order to introduce the following as a substitute, *viz.*

Resolved, That a committee be appointed to bring in a bill, to be enacted into a law, authorising the President and Supreme Executive Council to appoint commissioners to sell the public lot or lots, together with the barracks erected thereon, in the borough of *Lancaster*, at public auction, and to appropriate so much of the monies arising therefrom, as may be necessary to put a new roof upon the powder magazine in said borough; the balance, or remainder, of the monies to be paid into the state treasury, and applied to the use of the commonwealth.

On the question—"Will the House agree to the postponement?"

It was carried in the affirmative.

Ordered, That the said resolution lie on the table.

The committee, to whom was committed, *February 22d*, the bill, entitled "*An Act to incorporate the Carpenters Company of the city and county of Philadelphia*," reported a bill, entitled "*An Act to incorporate*"
T t "the

“ *the Carpenters Company of Philadelphia,*” which was read the first time and

Ordered to lie on the table.

The bill, entituled “ *An Act in favour of Reading Howell, and for other purposes therein mentioned,*” was read the third time, and considered by paragraphs.

Ordered, That it be engrossed, for the purpose of being enacted into law.

The bill, entituled “ *An Act to suspend, for a limited time, so much of the act of Assembly to regulate the fishery in the rivers Codorus and Conowingo, as relates to the erecting of platforms to the dams therein mentioned,*” was read the third time, and considered by paragraphs.

Ordered, That it be engrossed, for the purpose of being enacted into law.

The following bills having been brought in engrossed, were severally compared at the table, enacted into laws, and the Speaker directed to sign the same, viz.

An ACT to repeal part of the additional supplement to the acts for the regulation of the militia of this commonwealth.

An ACT directing the payment of the accounts of sundry Deputy Surveyors of the depreciation lands.

An ACT to compensate William Lyon, Esquire.

An ACT to reimburse Gabriel Coxe, George Vallendigham and Andrew Sweringen, for monies advanced by them in defence of the frontiers of Washington county.

An ACT to divide the county of Fayette into election districts.

Adjourned until ten o'clock to-morrow, A. M.

Thursday, March 4, 1790. A. M.

The House met pursuant to adjournment.

A letter from John Nicholson, Esquire, Comptroller-General, was read relative to certain official transactions between him and the Register-General; and on motion, and by special order, the same was read the second time.

Ordered, That the same, together with his letters read February 26th and March 3d, be referred to Mr. Rawle, Mr. Thomas, Mr. Clingan, Mr. Hoge and Mr. Ryerson, to report thereon.

A letter from the Register-General was read, stating certain official transactions between him and the Comptroller-General; and on motion, and by special order, the same was read the second time.

Ordered, That it be referred to the last named committee, to report thereon.

A petition from the Grand Inquest for the county of Chester was read praying that the bill published by order of the late General Assembly, entituled “ *An Act for the better regulation and support of the poor of Chester county,*” may be passed into a law.

Ordered to lie on the table.

A petition from a number of the inhabitants of the county of Westmoreland was read, remonstrating against the excise laws now in force within this commonwealth, and praying the same may be repealed.

Ordered to lie on the table.

The petition of a number of the inhabitants of *Fannet* township, in the county of *Franklin*, read *March* 2d, was read the second time.

Ordered, That it be referred to Mr. *Boys*, Mr. *Rhea* and Mr. *Barr*, to report thereon.

The committee, to whom was re-committed, *March* 1st, the report on the petition of *Laughlin M'Cartney* and others, made report, which was read, as follows, *viz.*

The committee, to whom was re-committed the report on the petition of *Laughlin M'Cartney* and others, report—

That your committee are of opinion, that as the Magistrates of the county of *Northumberland* were acting under the authority and by direction of government, those persons who furnished them with the necessary supplies on that occasion are entitled to a reasonable compensation for the same, but from the length of time that has elapsed since this business was transacted, and from the form in which the claimants have brought forward their accounts, your committee are unable to determine on the propriety of admitting them; but in order that justice may be done to those who furnished necessary supplies, and to prevent the state from being charged with any unjust or unnecessary expence, they submit the following resolution, *viz.*

Resolved, That a committee be appointed to bring in a bill, to be enacted into a law, empowering and requiring the Comptroller-General to settle and adjust the claims of those persons who furnished necessary supplies to the Magistrates of *Northumberland* county in 1775, and to empower the President or Vice-President in Council to draw orders in favor of those persons, whose claims are admitted by the Comptroller-General to be just and equitable.

Ordered to lie on the table.

The committee, to whom were referred the petitions of *John Lytle*, *John Webb* and *William Murray*, made report, which was read, as follows, *viz.*

The committee, to whom was re-committed the report on the petition of *John Lytle*, and to whom were committed the petitions of *John Webb* and *William Murray*, report—

That they have considered the subject matter contained in the several petitions, and are of opinion that the circumstances of the petitioners render the interposition of the General Assembly necessary; that should the State's Attorney proceed against those persons, and sell their farms in their present ruinous condition, the county would thereby be saddled with a considerable expence, as each county is obliged to make good all deficiencies that may happen therein; thus the county would be brought into difficulty, and the petitioners, with their families, stripped of the only property that has escaped the ravages of an *Indian* war: These considerations induce the committee to offer the following resolution, *viz.*

Resolved, That a committee be appointed to bring in a bill, to be enacted into a law, empowering the Supreme Executive Council to order the Attorney-General to stay any further proceedings against the petitioners, *John Lytle*, *John Webb* and *William Murray*, for _____ years.

Ordered to lie on the table.

The report on the petition of a number of the inhabitants of the counties of *Berks* and *Northumberland*, read *March* 1st, was read the second time: Whereupon

Resolved,

Resolved, That the petitioners for a road to *Cataweffy*, through *Berks* and *Northumberland*, have leave to withdraw their petitions.

The committee, to whom was re-committed, *February 12th*, the bill, entitled “ *An Act to authorise and direct the Supreme Executive Council to appoint commissioners, to audit and settle the accounts between Bedford and Huntington counties, and for other purposes therein mentioned*,” reported said bill, with sundry alterations and amendments.

The committee appointed for the purpose reported a bill, entitled “ *An Act for the more effectual relief of the widows and children of the officers and privates of the militia, who have lost their lives in the service of their country*,” which was read the first time, and

Ordered to lie on the table.

The committee appointed for the purpose reported a bill, entitled “ *An Act to provide for the safety of the records of the several counties in this commonwealth, and for other purposes therein mentioned*,” which was read the first time, and

Ordered to lie on the table.

The bill, entitled “ *An Act to incorporate the Protestant Episcopal Congregation belonging to St. David's (commonly called Radnor) Church, in the county of Delaware*,” was read the second time, and debated by paragraphs.

Ordered, That it be transcribed for a third reading, and forthwith published for consideration.

The bill, entitled “ *An Act to alter the place of holding elections in the second district of Washington county*,” was read the third time, and considered by paragraphs.

Ordered, That it be engrossed, for the purpose of being enacted into a law.

The motion made by *Mr. Ryerson*, seconded by *Mr. Marshall*, *March 2d*, respecting the defence of the south-west frontier of this state, was read the second time.

And on the question,—“ *Will the House agree to the same?*”

It was carried in the negative.

Adjourned until ten o'clock to-morrow, A. M.

Friday, March 5, 1790. A. M.

The House met pursuant to adjournment.

A petition from *William Tillyer* was read, setting forth, that he became security for a certain *John Loughborrow* for the payment of *one hundred and thirty-three pounds six shillings and eight-pence*; that afterwards the said *Loughborrow* was attainted of High Treason, and his estate confiscated and sold for the use of the commonwealth, since which the said debt hath been recovered from the petitioner by due course of law; and in as much as the said estate hath been sold for more than the claims exhibited against it, he prays the House to direct payment thereof, together with the interest thereon accrued, to the creditors.

Ordered to lie on the table.

The committee, to whom were referred, *November 25th* and *March 3d*, the petitions for and against a division of the county of *York*, made report, which was read, as follows, *viz.*

The

The committee, to whom were referred the petitions of a number of the inhabitants of the county of *York*, for and against a division of said county, report—

That however proper a division of *York* county may be at some future day, at present it does not appear that the people have made up their minds upon the subject, so as to be reconciled to the plan; the present proposed line will include a very respectable number of inhabitants, who are by no means reconciled to the measure, but, on the contrary, pray they may not be separated from the old county. It is a well known fact, that the adoption of hasty and indigested plans for the division of counties have caused great uneasiness to the people, and consumed much of the time of the General Assembly. These circumstances have induced your committee to be of opinion, that whenever application is made to this House for leave to divide a county, that such application ought to be accompanied with a draft of the lines, place for the seat of justice, and proofs of approbation from the people generally, and particularly those near and within the line of the new county: As this does not appear to be the case in the present instance, the committee are induced to offer the following resolution, *viz.*

Resolved, That the prayer of the petition of a number of the inhabitants of *York* county, in favour of the division of said county, ought not to be granted, and that they have leave to withdraw their petition.

Ordered to lie on the table.

The committee appointed *February* 27th, on the letter from the Comptroller-General, made report, which was read, as follows, *viz.*

The committee, to whom was referred the Comptroller-General's letter of the 27th of *February*, 1790, suggesting the propriety of cancelling and destroying all certificates which have been redeemed by the sales of lands, lots, &c. the property of the state, and also new-loan debt, which have been redeemed by exchanging for them the continental certificates, report—

That in their opinion it would be very improper to destroy any part of these certificates, which may not only be found useful as evidence of debt, but may lead to the detection of frauds. It appears extremely proper that the certificates alluded to, as well as all others which shall hereafter be redeemed as aforesaid, should be cancelled, in a way that will effectually prevent imposition, yet preserve them so entire, that reference to them for the purposes aforesaid may at all times be had. The following resolution is therefore submitted, *viz.*

Resolved, That a committee be appointed to bring in a bill, directing the Comptroller-General to cancel all the state certificates which have been redeemed by the state lands, or otherwise, by preparing a punch that shall cut each certificate in the middle, in the form of a cross, without taking part of the certificate out; and that the Comptroller-General be directed to deliver the said certificates, so cancelled, to the Register-General, who shall be required to receive the same, and prepare books of coarse paper, for the purpose of pasting the said certificates in numerical order; that is, each certificate opposite to its proper number, leaving as much thereof free, as will discover the indorsement of interest paid thereon, in order that reference may be had to said certificates when occasion may require.

Ordered to lie on the table.

The committee appointed *February* 12th, on the petition of *Francis White*, made report, which was read, as follows, *viz.*

The committee, to whom was referred the petition of *Francis White*, report—

That in their opinion it would be contrary to every principle of sound policy, for the legislature to interfere in cases where the existing laws would afford sufficient relief to the person applying, if he really was a meritorious object: This being the case of *Francis White*, the following resolution is submitted, viz.

Resolved, That *Francis White* have leave to withdraw his petition.

Ordered to lie on the table.

The report on the petition of *John Lytle*, *John Webb* and *William Murray*, read yesterday, was read the second time: Whereupon

Resolved, That a committee be appointed to bring in a bill, to be enacted into a law, empowering the Supreme Executive Council to order the Attorney-General to stay any further proceedings against the petitioners, *John Lytle*, *John Webb* and *William Murray*, for _____ years.

Ordered, That Mr. *Britton*, Mr. *Maclay* and Mr. *Vaux* be a committee to bring in a bill conformably to the foregoing resolution.

The report on the petition of *Leonard Young*, read *March 3d*, was read the second time: Whereupon

Resolved, That the prayer of *Leonard Young*, as set forth in his petition ought not to be granted, and that he have leave to withdraw his petition.

The petition of a number of the inhabitants of *Westmoreland* county, read yesterday, was read the second time.

Ordered, That it be referred to Mr. *Gurney*, Mr. *Thomas* and Mr. *Harris* to report thereon.

The report on the petition of *Laughlin M'Cartney* and others, read yesterday, was read the second time: Whereupon

Resolved, That a committee be appointed to bring in a bill, to be enacted into a law, empowering and requiring the Comptroller-General to settle and adjust the claims of those persons, who furnished necessary supplies to the Magistrates of *Northumberland* county in 1775, in their attempt to enforce the execution of the laws at *Wyoming*, and to empower the President or Vice-President in Council to draw orders in favour of those persons, whose claims are admitted by the Comptroller-General to be just and equitable.

Ordered, That Mr. *Wynkoop*, Mr. *Thomas* and Mr. *Maclay* be a committee to bring in a bill conformably to the foregoing resolution.

The motion made by Mr. *Gurney*, seconded by Mr. *Dering*, *March 3d* was read the second time: Whereupon

Resolved, That a committee be appointed to bring in a bill, to be enacted into a law, authorising the President and Supreme Executive Council to appoint commissioners to sell the public lot or lots, together with the barracks erected thereon, in the borough of *Lancaster*, at public auction, and to appropriate so much of the monies arising therefrom, as may be necessary to put a new roof upon the powder magazine in said borough; the balance, or remainder, of the monies to be paid into the state treasury, and applied to the use of the commonwealth.

Ordered, That Mr. *Gurney*, Mr. *Dering* and Mr. *Miley* be a committee, to bring in a bill conformably to the foregoing resolution.

The bill, entitled “ *An Act to incorporate the Presbyterian Congregation of East-Conococheague, in the county of Franklin*,” was read the second time, and considered by paragraphs.

Ordered

Ordered, That it be transcribed for a third reading, and forthwith published for consideration.

The committee appointed for the purpose reported a bill, entitled "*A further Supplement to the act of Assembly, entitled "An Act for the relief of insolvent debtors within the province of Pennsylvania,"*" which was read the first time, and

Ordered to lie on the table.

The bill, entitled "*An Act declaring the assent of this State to certain amendments to the constitution of the United States,*" was read the second time, and considered by paragraphs.

Ordered, That it be transcribed for a third reading, and forthwith published for consideration.

The following bills having been brought in engrossed, were severally compared at the table, enacted into laws, and the Speaker directed to sign the same, *viz.*

An ACT relating to the securities to be given by Sheriffs and Coroners.

An ACT to suspend, for a limited time, so much of the act of Assembly to regulate the fishery in the rivers Codorus and Conewago, in York county, as relates to the erecting of platforms to the dams therein mentioned.

Adjourned until ten o'clock to-morrow, A. M.

Saturday, March 6, 1790. A. M.

The House met pursuant to adjournment.

A petition from a majority of the corporation for the relief of the widows and children of Clergymen of the Protestant Episcopal Church in the United States of *America* was read, setting forth, that the good and charitable purposes for which the said corporation was instituted are in danger of being defeated, and the funds annihilated, by reason of a clause in their charter, which requires a majority of the whole members for the time being at any annual or other meeting, in order to the making, altering or amending any fundamental law or regulation; therefore praying leave to bring in a bill, for the purpose of altering and amending their said charter; and on motion, and by special order, the same was read the second time.

Ordered, That the prayer thereof be granted.

A petition from 108 freeholders and taxable inhabitants of *Reading* township, in the county of *York*, was read, remonstrating against a division of said county.

Ordered to lie on the table.

The report on the petition of *Peter Heisler*, read *March 3d*, was read the second time, and the following resolution, reported by the committee, being under consideration, *viz.*

Resolved, That the prayer of the petition of *Peter Heisler* ought not to be granted, and that he have leave to withdraw his petition.

A motion was made by Mr. *Balliot*, seconded by Mr. *Marshall*,

To postpone the consideration of the said resolution, in order to introduce the following in lieu thereof, *viz.*

Resolved, That the State Treasurer be, and he is hereby authorised and directed to pay unto *Peter Heisler* the amount of the order drawn in his favour by

by the President in Council, out of the monies arising from the funding tax in the city of *Philadelphia*, and that a like sum be refunded out of the first money arising from the militia fines.

On the question,—“ *Will the House agree to the postponement, for the purpose aforesaid?*”

It was carried in the negative.

A motion was then made by Mr. *Rawle*, seconded by Mr. *Balliot*, To re-commit the said report.

Which was carried in the negative, and the resolution, as reported by the committee, recurring, the same was adopted.

The report on the letter from the Comptroller-General, read yesterday, was read the second time: Whereupon

Resolved, That a committee be appointed to bring in a bill, directing the Comptroller-General to cancel all the state certificates which have been redeemed by the state lands, or otherwise, by preparing a punch that shall cut each certificate in the middle, in the form of a cross, without taking part of the certificate out; and that the Comptroller-General be directed to deliver the said certificates, so cancelled, to the Register-General, who shall be required to receive the same, and prepare books of coarse paper for the purpose of pasting the said certificates in numerical order; that is, each certificate opposite to its proper number, leaving as much thereof free, as will discover the indorsement of interest paid thereon, in order that reference may be had to said certificates when occasion may require.

Ordered, That Mr. *Gurney*, Mr. *Wynkoop* and Mr. *Hoge* be a committee, to bring in a bill conformably to the foregoing resolution.

A motion was made by Mr. *Rawle*, seconded by Mr. *Gurney*, and adopted, as follows, *viz.*

Resolved, That a committee be appointed, to take into their consideration the present state of the funds arising from militia fines in the several counties in this state, and to confer with the Supreme Executive Council relative to the manner in which the act, entitled “ *An Act to establish a Board of Appeal within the several counties of this state, and to grant exonerations in cases of militia fines,*” has been carried into execution.

Ordered, That Mr. *Gurney*, Mr. *McDowell* and Mr. *Johnson* be a committee, for the purposes contained in the foregoing resolution.

On motion of Mr. *Ryerson*, seconded by Mr. *Rawle*,

Resolved, That the resolution which passed this Assembly on the 23d day of *February* last, on the subject of a defence for the western frontiers of this state, be, and the same is hereby rescinded.

The bill, entitled “ *An Act to provide for the more effectual relief of the widows and children of the officers and privates of the militia, who have lost their lives in the service of their country,*” was read the second time, and considered by paragraphs.

Ordered, That it be transcribed for a third reading, and forthwith published for consideration.

The bill, entitled “ *An Act to provide for the safety of the records of the several counties in this commonwealth, and for other purposes therein mentioned,*” was read the second time, and considered by paragraphs.

Ordered, That it be transcribed for a third reading, and forthwith published for consideration.

The

The bill, entitled “ *An Act for settling the accounts of James Rowan, late Collector of taxes in the county of Philadelphia, and for other purposes therein mentioned,*” having been brought in engrossed, was compared at the table, enacted into a law, and the Speaker directed to sign the same.

Adjourned until three o'clock on *Monday* next, P. M.



Monday, March 8, 1790. P. M.

The House met pursuant to adjournment.

A petition from a number of the inhabitants of the county of *Bedford* was read, praying they may be exonerated from the payment of militia fines.

Ordered to lie on the table.

A memorial from divers inhabitants of the county of *Cumberland* was read, setting forth, that they have subscribed a sum of money for promoting the manufacture of cotton within the said county, and praying the aid of the Legislature in the prosecution of their design, by directing the State Treasurer to subscribe for twenty shares, on account of the commonwealth.

Ordered to lie on the table.

A petition from divers inhabitants of the borough of *Chester* was read, praying leave to bring in a bill, for the purpose of enabling them to regulate the internal police of the said borough.

Ordered to lie on the table.

The report on the petition of the inhabitants of *Washington, Turbutt* and *Derry* townships, in the county of *Northumberland*, read *February 24th* last, was read the second time: Whereupon

On motion of Mr. *Balliot*, seconded by Mr. *Schmyser*,

Ordered, That it be re-committed, and that Mr. *Clemson* and Mr. *Clingan* be added to the committee.

The committee appointed for the purpose reported a bill, entitled “ *An Act for the relief of John Lytle, John Webb and William Murray,*” which was read the first time, and

Ordered to lie on the table.

The House resumed the consideration of the bill, entitled “ *An Act for further enlarging the time limited by the act, entitled “ An Act for facilitating the redemption of the bills of credit emitted in the year one thousand seven hundred and eighty-one, and for redeeming part of the funded debt of this state, for extending the time for patenting lands which were located before the declaration of independency, and for giving a right of pre-emption to actual settlers for procuring warrants for the lands by them occupied,*” and having considered the same by paragraphs,

Ordered, That it be transcribed for a third reading, and forthwith published for consideration.

The bill, entitled “ *An Additional Supplement to the several acts of Assembly respecting public auctions and auctioneers,*” was read the second time, and considered by paragraphs.

Ordered, That it be transcribed for a third reading, and forthwith published for consideration.

The bill, entituled “ *An Act to incorporate the Carpenters Company of Philadelphia,*” was read the second time, and considered by paragraphs.

Ordered, That it be transcribed for a third reading, and forthwith published for consideration.

The bill, entituled “ *An Act to alter the place of holding elections in the second district of Washington county,*” having been brought in engrossed, was compared at the table, enacted into a law, and the Speaker directed to sign the same.

Adjourned until ten o'clock to-morrow, A. M.

Tuesday, March 9, 1790. A. M.

The House met pursuant to adjournment.

The committee, to whom were referred the petitions from a number of the inhabitants of the townships of *Thornbury* and *Birmingham*, in the county of *Delaware*, made report, which was read, as follows, viz.

The committee, to whom were referred, *November 25th* and *March 2d*, the petitions of a number of the inhabitants of *Thornbury* and *Birmingham* townships, in the county of *Delaware*, report—

That they have taken the subject matter of said petitions into their serious consideration, and are of opinion, that although it would contribute more to the ease and convenience of the petitioners if they were re-annexed to *Chester* county, yet, in as much as it would considerably diminish the county of *Delaware*, which is at present very small, when compared with the county of *Chester*, and it is scarcely to be expected that any division that could take place would be likely to suit the local circumstances of all: They therefore offer the following resolution, viz.

Resolved, That the petitioners from the townships of *Thornbury* and *Birmingham*, in the county of *Delaware*, have leave to withdraw their petitions.

Ordered to lie on the table.

The committee appointed *March 5th*, on the petition of a number of the inhabitants of the county of *Westmoreland*, made report, which was read; and on motion, and by special order, the same was read the second time, and adopted, as follows, viz.

The committee, to whom was referred the petition of the inhabitants of *Westmoreland* county, report—

That the excise raised upon spirituous liquors being appropriated for the discharge of the interest due on the depreciation of pay of our late army, and as no other fund has yet been assigned for the aforesaid purpose, it would be altogether improper to take away or lessen it, until said debt is assumed by the United States. The hint given respecting the excise officer is of too much importance to be neglected, and, with others of a similar nature, appears to require the immediate attention of the Executive: Impressed with these ideas, the committee are induced to submit the following resolution, viz.

Resolved, That the petition of the inhabitants of *Westmoreland* county be transmitted to the President and Supreme Executive Council, for their information, who are particularly requested to take the most effectual means in their power to compel all delinquent excise officers to pay into the State Treasury all monies due for excise, whether in the hands of said officers, or of individuals.

The

The committee appointed *March* 1st, on the memorial and petition of *James Biddle*, Esquire, made report, which was read, as follows, *viz.*

The committee, to whom was referred the memorial and petition of *James Biddle*, Esquire, report—

That in their opinion the tax imposed by the act of Assembly, passed in the year 1783, upon the original and judicial process issued out of the office of the Prothonotary of the county Court of Common Pleas for the county of *Philadelphia*, has, from a variety of circumstances, not only become less productive than it was expected to have been, but also to a certain degree oppressive upon the officer subjected to it. The division of *Philadelphia* county, and the vesting original jurisdiction within the remaining part of that county in the Supreme Court, with other causes, have reduced the profits of that officer far below a competent provision for the difficult and professional duties of the office: The committee submit the following resolution, *viz.*

Resolved, That a committee be appointed to bring in a bill, to repeal so much of the act, entitled “ *An Act for raising and collecting of money on the specified articles therein mentioned for the support of government, and for other purposes therein mentioned,*” passed the twenty-first day of *March*, 1783, as lays a tax of *five shillings and seven-pence* upon original process issuing out of the county Court of Common Pleas for the county of *Philadelphia*.

Ordered to lie on the table.

Agreeably to leave given, a member presented to the chair a bill, entitled “ *An Act for altering a certain clause in the charter of the corporation for the relief of the widows and children of Clergymen of the Protestant Episcopal Church in the United States of America,*” which was read the first time, and

Ordered to lie on the table.

The committee appointed for the purpose reported a bill, entitled “ *An Act for compensating Laughlin M'Cartney, and others therein mentioned, for supplies by them furnished the civil officers of Northumberland county in the year one thousand seven hundred and seventy-five,*” which was read the first time, and

Ordered to lie on the table.

The petition of divers inhabitants of the county of *Cumberland*, read yesterday, was read the second time.

Ordered, That it be referred to Mr. *Downing*, Mr. *Kennedy* and Mr. *Wright*, to report thereon.

The petition of *William Tillyer*, read *March* 5th, was read the second time.

Ordered, That it be referred to Mr. *Rawle*, Mr. *Paul* and Mr. *Hoge*, to report thereon.

The petition of a number of the inhabitants of the borough of *Chester*, read yesterday, was read the second time.

Ordered, That the prayer thereof be granted.

The report on the petition of *Martha Flower*, read *March* 5th, was read the second time.

And on the question,—“ *Will the House agree to the following resolution?*”—*viz.*

Resolved,

Resolved, That a committee be appointed to bring in a bill, to be enacted into a law, for the purpose of extending to *Martha Flower*, widow of Colonel *Benjamin Flower*, the same relief as in and by an act, entitled "*An Act for the more effectual supply and honorable reward of the Pennsylvania troops, in the service of the United States of America*," is extended to the widows of military officers therein mentioned.

It was carried in the negative.

The bill, entitled "*A Supplement to the act, entitled 'An Act for erecting the south-west part of the county of Cumberland into a new county'*," was read the third time, and considered by paragraphs.

Ordered, That it be engrossed, for the purpose of being enacted into a law.

The House resumed the consideration of the bill, entitled "*An Act to authorize and direct the Supreme Executive Council to appoint Commissioners to audit and settle the accounts between Bedford and Huntingdon counties, and for other purposes therein mentioned*," as reported by the committee March 4th; and having fully considered the same by paragraphs,

Ordered, That it be engrossed, for the purpose of being enacted into a law.

The bill, entitled "*An Act concerning stray horses, cattle and sheep, and to prevent stone-horses running at large; also to repeal an act, entitled 'An Act to improve the breed of horses, and to regulate Rangers'*," was read the third time.

And on the question,—"*Will the House consider the same by paragraphs?*"

It was carried in the negative.

The bill, entitled "*An Act declaring the assent of this State to certain amendments to the constitution of the United States*," was read the third time, and considered by paragraphs.

Ordered, That it be engrossed, for the purpose of being enacted into a law.

On motion of Mr. *Rawle*, seconded by Mr. *Kennedy*,

Resolved, That a committee be appointed to bring in a bill, to compel the Collectors of excise duties, and other revenues due to this state, to give adequate security for the performance of their respective trusts.

Ordered, That Mr. *Rawle*, Mr. *Thomas* and Mr. *Hoge* be a committee, to bring in a bill conformably to the foregoing resolution.

Adjourned until ten o'clock to-morrow, A. M.

Wednesday, March 10, 1790. A. M.

The House met pursuant to adjournment.

Petitions from 357 inhabitants of the county of *Dauphin* were read, praying part of the said county may be erected into a separate county, and the seat of justice fixed at the town of *Lebanon*; and on motion, and by special order, the same were read the second time.

Ordered, That they be referred to Mr. *Dering*, Mr. *Schmyser*, Mr. *Hoge*, Mr. *White* and Mr. *Riley*, to report thereon.

A petition from a number of the inhabitants of *Beaver-dam* township, in the county of *Northumberland*, was read, praying they may be annexed to *Mifflin* county, and that the line or lines may be run so as to cross *Middle-Creek*

Creek valley four miles, or at least one mile, below the *Beaver-dams*, in said valley; and on motion, and by special order, the same was read the second time.

Ordered, That it be referred to Mr. *Wynkoop*, Mr. *Miller*, Mr. *Kennedy*, Mr. *Ealer*, Mr. *Vaux*, Mr. *Gore* and Mr. *Harris*, to report thereon.

A letter from three of the Trustees appointed by the act, entitled "*An Act for erecting certain parts of Cumberland and Northumberland counties into a separate county*," to fix upon and establish the place for holding the courts of justice within the county of *Mifflin*, was read, setting forth, that some of the Commissioners appointed as aforesaid have neglected to perform the duties enjoined them, and suggesting the propriety of appointing at least one Trustee in addition to those already appointed; and on motion, and by special order, the same was read the second time.

Ordered, That it be referred to Mr. *Chapman*, Mr. *Cunningham*, Mr. *Carson*, Mr. *Harris* and Mr. *Lloyd*, to report thereon.

A petition from *William Mackey* was read, stating, that in the year 1775 he furnished certain supplies to the Justices of the county of *Northumberland*, for the purpose of enforcing a due execution of the laws of *Pennsylvania* at *Wyoming*, and praying payment thereof.

Ordered to lie on the table.

The petition of a number of the inhabitants of the county of *Bedford*, read *March* 8th, was read the second time.

Ordered, That it be referred to Mr. *Upp*, Mr. *Husband* and Mr. *Rhea*, to report thereon.

The petitions of the Justices of the Court of Common Pleas for the county of *Chester*, and of the Grand Inquest for the said county, read *March* 2d and 4th, were severally read the second time.

Ordered, That the consideration thereof be postponed: Whereupon

Mr. *Thomas*, in his place, read a bill, entitled "*An Act for the better regulation and support of the poor of Chester county*," and, leave having been obtained for that purpose, presented the same to the chair, when it was read the first time, and

Ordered to lie on the table.

The bill, entitled "*A further Supplement to the act of Assembly, entitled 'An Act for the relief of insolvent debtors within the province of Pennsylvania'*," was read the second time, and considered by paragraphs.

Ordered, That it be transcribed for a third reading, and forthwith published for consideration.

The House resumed the consideration of the report on the petition of *Nathaniel Hurst* and others, postponed *February* 20th, and the following resolution being under consideration, viz.

Resolved, That a committee be appointed to bring in a bill to give further time to *Nathaniel Hurst* and the other petitioners, for the purpose of registering of such Negroe and Mulatto children as they are possessed of, who have been born since the first day of *March*, 1780.

A motion was made by Mr. *Rawle*, seconded by Mr. *Gurney*,

To postpone the consideration of the said resolution, in order to substitute the following in lieu thereof, viz.

Whereas by the act, entitled "*An Act for the gradual abolition of slavery*," passed the first day of *March*, 1780, and by the supplement there-

to, passed the twenty-ninth day of *March*, 1788, and the other existing laws of this state, the Overseers of the Poor of the respective townships are invested with powers of binding out Negroe children, who have acquired their freedom, to the age of twenty-one years, or who, if slaves, have been abandoned by their owners, to the age of twenty-eight years: And whereas this House has no power to recall the right of freedom, when, from a non-compliance with the law, or other causes, it is once vested: Therefore

Resolved, That *Nathaniel Hurst*, and the other inhabitants of *Westmoreland* county, praying further time to register their infant Negroes, have leave to withdraw their petition.

On the question,—“ *Will the House agree to the postponement?*”

It was carried in the affirmative.

A motion was then made by Mr. *Boys*, seconded by Mr. *Finley*,

To postpone the consideration of the motion made by Mr. *Rawle*, and seconded by Mr. *Gurney*.

Which was carried in the negative: Whereupon

On the question,—“ *Will the House adopt the substitute moved by Mr. Rawle, and seconded by Mr. Gurney?*”

It was carried in the affirmative.

The report on the petition of the Pastor and Trustees of the German religious society of *Roman Catholics* of the *Holy Trinity* church, in the city of *Philadelphia*, read *March* 3d, was read the second time.

And the following resolution being under consideration, *viz.*

Resolved, That the corporation of the Pastor and Trustees of the German religious society of *Roman Catholics* in the city of *Philadelphia* have leave to bring in a bill, for the purpose of being enacted into a law, vesting in the said corporation _____ acres of land, out of any of the unappropriated lands of the state; and that the said corporation insert a clause in the bill, obliging them to settle the lands therein granted within three years from the enacting thereof.

On the question,—“ *Will the House adopt the same?*”—the Yeas and Nays being called by Mr. *Kennedy* and Mr. *Balliot*, were as follow, *viz.*

Y E A S.

- 1 *Lawrence Sickles*,
- 2 *William Rawle*,
- 3 *Francis Gurney*,
- 4 *Samuel Ashmead*,
- 5 *Elias Boys*,
- 6 *Valentine Upp*,
- 7 *John M^cDowell*,
- 8 *Henry Dering*,
- 9 *Jacob Schmyser*,
- 10 *Thomas Lilley*,
- 11 *William Godfrey*,

N A Y S.

- 1 *Thomas Britton*,
- 2 *John Chapman*,
- 3 *James Bryan*,
- 4 *Richard Thomas*,

Y E A S.

- 12 *John Ludwig*,
- 13 *Nicholas Lutz*,
- 14 *Daniel Leinbach*,
- 15 *Peter Ealer*,
- 16 *Stephen Balliot*,
- 17 *Conrad Ihrie, jun.*
- 18 *Samuel MacLay*,
- 19 *James Marshall*,
- 20 *Jacob Miley*,
- 21 *John Carson*,
- 22 *Obadiab Gore*.

N A Y S.

- 5 *Richard Downing, jun.*
- 6 *James Clemson*,
- 7 *John Hopkins*,
- 8 *Jacob Erb*,

N A Y S.

N A Y S.

- 9 John Miller,
- 10 Joseph Reed,
- 11 John Stewart,
- 12 Thomas Kennedy,
- 13 David Mitchell,
- 14 Jonathan Hoge,
- 15 Anthony Lerch, jun.
- 16 John Moore,
- 17 Herman Husband,
- 18 John White,
- 19 John Baird,
- 20 James Barr,
- 21 Alexander Wright,
- 22 Thomas Ryerson,

N A Y S.

- 23 John Gilcbreest,
- 24 James Finley,
- 25 James Johnston,
- 26 John Rhea,
- 27 Jacob Reiff,
- 28 Jonathan Roberts,
- 29 Benjamin Markley,
- 30 James Vaux,
- 31 David Stewart,
- 32 John Nevil,
- 33 John Harris,
- 34 Hugh Lloyd,
- 35 Richard Riley.

So it was carried in the negative.

The bill, entituled “ *An Act to provide for the more effectual relief of the widows and children of the officers and privates of the militia, who have lost their lives in the service of their country,*” was read the third time, and considered by paragraphs.

Ordered, That it be engrossed, for the purpose of being enacted into a law.

The bill, entituled “ *An Act declaring the assent of this State to certain amendments to the constitution of the United States,*” having been brought in engrossed, was compared at the table, enacted into a law, and the Speaker directed to sign the same: Whereupon,

On motion of Mr. Rawle, seconded by Mr. Boys,

Resolved, That an exemplification of the act, entituled “ *An Act declaring the assent of this state to certain amendments to the constitution of the United States,*” under the seal of this state, and signed by the Speaker of this House, be transmitted to the Congress of the United States.

Adjourned until ten o'clock to-morrow, A. M.

Thursday, March 11, 1790. A. M.

The House met pursuant to adjournment.

The committee appointed for the purpose reported a bill, entituled “ *An Act appropriating a sum of money for building and finishing a court-house and prison for the county of Dauphin,*” which was read the first time, and

Ordered to lie on the table.

The committee appointed for the purpose reported a bill, entituled “ *An Act to authorise the sale of the barracks in the borough of Lancaster,*” which was read the first time, and

Ordered to lie on the table.

The committee appointed on the petition of a number of the inhabitants of Fannet township, in the county of Franklin, made report, which was read, as follows, viz.

The committee, to whom was referred the petition of a number of the inhabitants of Fannet township, in Franklin county, report—

That

That it appears to your committee that the petitioners are in similar situation with numbers of the citizens of *Pennsylvania*, who have the same right to pray for an exoneration, and your committee think it would be impolitic at this time to grant exonérations, when the treasury of the state is empty : Therefore submit the following resolution, *viz.*

Resolved, That the petitioners have leave to withdraw their petition.

Ordered to lie on the table.

The petition of *William Mackey*, read yesterday, was read the second time.

Ordered, That it be referred to Mr. *Chapman*, Mr. *Thomas* and Mr. *Maclay*, to report thereon.

The bill, entituled “ *An Act for the relief of John Lytle, John Webb and William Murray*,” was read the second time, and considered by paragraphs.

Ordered, That it be transcribed for a third reading, and forthwith published for consideration.

The committee, to whom were referred the several letters from the Register-General and Comptroller-General, made report, which was read, as follows, *viz.*

The committee, to whom was referred the letter from the Register-General, dated the 16th of *February*, with the three letters from the Comptroller-General of the 16th and 20th of *February* and 4th of *March*, beg leave to report—

That in the prosecution of their duty, they have had several conferences with the Register-General and Comptroller-General, and have considered with attention the act of Assembly passed the 30th *September*, 1789, entituled “ *A Supplement to the act, entituled “ An Act for the appointment of a Register-General, for the purpose of registering the accounts of this commonwealth.*”

The different offices of making, of construing, and of executing the laws, being constitutionally and wisely vested in different departments, the legislature cannot well be justified in exceeding its proper limits, unless it should appear that its mandatory acts were so ambiguous or obscure as to render it impossible to carry them into execution, in which case only explanatory or amending laws become necessary.

The plain and obvious intention, as well of the act already mentioned, as of that to which it is a supplement, was to provide more effectually for the interests of the commonwealth, by subjecting the proceedings of an officer, in whose hands extraordinary and unusual powers have from time to time been vested, to regular revision and adequate controul.

For these purposes the office of Register-General was instituted, and the relative duties of the Comptroller-General and Register-General were defined, in terms of such accuracy and precision, as to leave the committee at a loss to discover in the law the difficulties which have since impeded its operation.

If the accounts only, as stated by the Comptroller-General, without the evidence upon which they are founded, are to be submitted to the Register-General, it is evident, that, instead of serving to detect error or fraud, it would contribute to conceal both, the sanction derived from the signature of the Register-General would preclude farther enquiry, and the state would be more liable to loss or imposition, as it had taken more pains to guard against them. Upon the same principles the Register-General would cease to be answerable

answerable for his conduct. Confined to the duty of transcribing an account, and examining its calculations, he would be little more than a public clerk, and without materials to enable him to judge if it was right, he would be responsible to no one if it was found by others to be wrong.

Hence the necessity of submitting, with the accounts of certificates exchanged, which the latter officer is directed to register, the certificates themselves appears to the committee too obvious to require farther illustration.

Conceiving, therefore, that no legislative interference is necessary in the present instance, that it is the office of the Supreme Executive Council to enforce, and the duty of the officers of the state to obey the laws, the committee submit to the House the following resolution, *viz.*

Resolved, That the President and Supreme Executive Council be requested to take care that the act, entitled "*A Supplement to the act, entitled "An Act for the appointment of a Register-General, for the purpose of registering the accounts of this commonwealth,"*" be faithfully executed.

Ordered to lie on the table.

The report on the memorial and petition of *James Biddle*, Esquire, read March 9th, was read the second time: Whereupon,

On motion of Mr. *Boys*, seconded by Mr. *Maclay*,

Ordered, That the consideration thereof be postponed.

The bill, entitled "*An Act to provide for the safety of the records of the several counties in this commonwealth, and for other purposes therein mentioned,*" was read the third time, and considered by paragraphs.

Ordered, That it be engrossed, for the purpose of being enacted into a law.

Adjourned until ten o'clock to-morrow, A. M.

Friday, March 12, 1790. A. M.

The House met pursuant to adjournment.

A petition from the Rector, Church-wardens and Vestrymen of the Protestant Episcopal Church of St. *James*, in the borough of *Bristol*, and county of *Bucks*, was read, praying the congregation may be incorporated; and on motion, and by special order, the same was read the second time.

Ordered, That the prayer thereof be granted.

A petition from *Frederick Dorsch* was read, setting forth, that he was entrusted by a certain *John Kepple* with a certificate of the new-loan of this commonwealth, issued in the name of *George Ilgner*, for the purpose of receiving the interest due thereon from the state treasury; that by some unforeseen accident the same, with other papers, was consumed by fire; and praying leave to bring in a bill, authorising the Comptroller-General to issue a new certificate in lieu of the one which has been so destroyed.

Ordered to lie on the table.

A petition from *William Cook* was read, setting forth, that in the year 1775, when Sheriff of the county of *Northumberland*, he was commanded by the Magistrates of the said county to take into custody and convey, under a proper guard, to the gaol of the county of *Philadelphia*, the leaders of certain *Connecticut Claimants*, who had attempted to extend their settlements

to *Freeland's* mills, near the west branch of the river *Susquehanna*, which service he performed, and received no compensation therefor; and praying this House to direct payment to be made him for the services rendered as aforesaid.

Ordered to lie on the table.

A letter from *David Rittenhouse*, Esquire, late Treasurer of the state, was read, setting forth, that he has prepared the following sums of paper money for burning, *one thousand one hundred and fifty-four pounds* of the last emission; three thousand dollars of *June 1780*, received in the Loan-Office; two thousand seven hundred and thirty-seven dollars of Treasury notes, which have never been issued, but ought to be burnt; *five thousand three hundred and twenty-three pounds* of resolve and commonwealth money; and a few bills of island money; and on motion, and by special order, the said letter was read the second time: Whereupon

Resolved, That said letter be referred to the committee of accounts, and that they be and hereby are authorized and directed to count, burn and destroy the several sums of money specified in the said letter.

The committee appointed *November 6th* last, on the petition of *Eleazer Oswald*, made report, which was read, as follows, *viz.*

The committee on the petition of *Eleazer Oswald*, representing that he is guardian to *Jane Jones*, *Blathwaite Jones*, *Mary Jones* and *Gibbs Jones*, minors; that said minors, as heirs at law to their grand-mother *Jane Jones*, deceased, are entitled to one undivided sixth part of a messuage and lot of ground in the city of *Philadelphia*; that by reason of the non-age of said minors, the said one sixth part of said lot cannot be sold, and in its present state affords no subsistence for said minors, who have no means of support; and praying, in behalf of said minors, for a bill to be passed, authorising him to sell and dispose of the same for the benefit of the said minors, are of opinion that the prayer of the petitioner, in behalf of said minors, is reasonable and just, and therefore offer the following resolution, *viz.*

Resolved, That a committee be appointed to bring in a bill, to authorize the said *Eleazer Oswald* to sell and dispose of one sixth part of said lot of ground, for the support and maintenance of said minors.

Ordered to lie on the table.

The committee appointed for the purpose reported a bill, entitled "*An Act in favour of Robert Thorn*," which was read the first time, and

Ordered to lie on the table.

The committee appointed for the purpose reported a bill, entitled "*An Act to provide for the election of Representatives of this state in the Congress of the United States*," which was read the first time, and

Ordered to lie on the table.

The committee appointed *February 19th* last, to enquire and report the reasons why the public accounts have not been furnished to this House, agreeably to law, made report, which was read, as follows, *viz.*

The committee appointed to enquire why the public accounts have not been furnished to this House, agreeably to law, beg leave to report—

That it appeared to the committee, that the delay in the exhibition of the public accounts, agreeably to law, at the commencement of the last session of the House, proceeded partly from the numerous and difficult burthens which the legislature has, from time to time, imposed upon the office

of the Comptroller-General, beyond his ability to execute, and partly from a want of regularity and arrangement in the transaction of his business.

The perpetual accumulation of duty upon duty, and power upon power, which has accompanied this office ever since its institution, has encreased it to a magnitude, of which the public seem scarcely aware, at the expence of that order, simplicity and œconomy, particularly necessary in the management of the revenues of a republic.

To enumerate the titles only of the different acts of Assembly which have invested this officer with new powers, or enlarged those he possessed before, would consume more time than could be justified by propriety. It will be sufficient to remark, that besides the numerous and various demands brought by individuals against the state, including as well those proceeding from the incidents of the late war which still remain unsettled, as those which are repeatedly occurring in the daily transactions of the state, this officer is required by law to settle, at stated periods, the accounts of the persons employed in collecting almost every species of public revenue, and until he shall find leisure to effect such settlement, even the powers of the Supreme Executive Council are restrained.

Upon the same officer is devolved the laborious employment of effecting the exchange of continental and new loan certificates, with which are necessarily connected the receipt and payment of indents.

The more arduous and important task of preparing and stating the account between this state and the United States, in which the interest of *Pennsylvania* is so deeply involved, is also committed to his charge. An object of this magnitude would have justified the appointment of a commissioner, for the exclusive purposes of settling the individual accounts, upon which this must depend, and afterwards of bringing forward the general accounts, in such a manner as would be most likely to do justice to the state.

In another instance the legislature appears to have been equally profuse of its confidence, though the committee cannot discover the connection it has with the nature of the office.

All the certificates received in payment at the Land Office are directed to be delivered to the Comptroller-General, who, altho' thus possessed of the treasure of the state to a great amount, gives no security for the safe keeping of the property he receives, while the Treasurer, in whose hands alone it can with propriety be placed, is bound, with two or more sureties, in the sum of *thirty thousand pounds*, altho' the fourth part of that sum is seldom in his possession at one time.

Without proceeding farther in this detail, the committee beg leave to observe, that whether from the impracticable and unwieldy duties of the office, or from a want of clearness and method in stating and keeping the public accounts, the whole business is greatly in arrear.

The account between this state and the United States, although seven years have been employed upon it, is not yet compleated. No entries have been made in his general books of any transactions since *February 1786*, and the numerous accounts depending between the state and individuals, which are filed in his office, and which, in case of accident happening to the officer, would be almost the only evidence of the transaction, would, from their unsettled state, only serve to mislead. Notwithstanding the acts of the *28th March* and *30th September, 1789*, he has furnished the Register-General with

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to *Freeland's* mills, near the west branch of the river *Susquebanna*, which service he performed, and received no compensation therefor; and praying this House to direct payment to be made him for the services rendered as aforesaid.

Ordered to lie on the table.

A letter from *David Rittenhouse*, Esquire, late Treasurer of the state, was read, setting forth, that he has prepared the following sums of paper money for burning, *one thousand one hundred and fifty-four pounds* of the last emission; three thousand dollars of *June 1780*, received in the Loan-Office; two thousand seven hundred and thirty-seven dollars of Treasury notes, which have never been issued, but ought to be burnt; *five thousand three hundred and twenty-three pounds* of resolve and commonwealth money; and a few bills of island money; and on motion, and by special order, the said letter was read the second time: Whereupon

Resolved, That said letter be referred to the committee of accounts, and that they be and hereby are authorised and directed to count, burn and destroy the several sums of money specified in the said letter.

The committee appointed *November 6th* last, on the petition of *Eleazer Oswald*, made report, which was read, as follows, *viz.*

The committee on the petition of *Eleazer Oswald*, representing that he is guardian to *Jane Jones*, *Blathwaite Jones*, *Mary Jones* and *Gibbs Jones*, minors; that said minors, as heirs at law to their grand-mother *Jane Jones*, deceased, are entitled to one undivided sixth part of a messuage and lot of ground in the city of *Philadelphia*; that by reason of the non-age of said minors, the said one sixth part of said lot cannot be sold, and in its present state affords no subsistence for said minors, who have no means of support; and praying, in behalf of said minors, for a bill to be passed, authorising him to sell and dispose of the same for the benefit of the said minors, are of opinion that the prayer of the petitioner, in behalf of said minors, is reasonable and just, and therefore offer the following resolution, *viz.*

Resolved, That a committee be appointed to bring in a bill, to authorise the said *Eleazer Oswald* to sell and dispose of one sixth part of said lot of ground, for the support and maintenance of said minors.

Ordered to lie on the table.

The committee appointed for the purpose reported a bill, entitled "*An Act in favour of Robert Thorn*," which was read the first time, and

Ordered to lie on the table.

The committee appointed for the purpose reported a bill, entitled "*An Act to provide for the election of Representatives of this state in the Congress of the United States*," which was read the first time, and

Ordered to lie on the table.

The committee appointed *February 19th* last, to enquire and report the reasons why the public accounts have not been furnished to this House agreeably to law, made report, which was read, as follows, *viz.*

The committee appointed to enquire why the public accounts have not been furnished to this House, agreeably to law, beg leave to report—

That it appeared to the committee, that the delay in the exhibition of the public accounts, agreeably to law, at the commencement of the last session of the House, proceeded partly from the numerous and difficult burdens which the legislature has, from time to time, imposed upon the office

of the Comptroller-General, beyond his ability to execute, and partly from a want of regularity and arrangement in the transaction of his business.

The perpetual accumulation of duty upon duty, and power upon power, which has accompanied this office ever since its institution, has increased it to a magnitude, of which the public seem scarcely aware, at the expence of that order, simplicity and œconomy, particularly necessary in the management of the revenues of a republic.

To enumerate the titles only of the different acts of Assembly which have invested this officer with new powers, or enlarged those he possessed before, would consume more time than could be justified by propriety. It will be sufficient to remark, that besides the numerous and various demands brought by individuals against the state, including as well those proceeding from the incidents of the late war which still remain unsettled, as those which are repeatedly occurring in the daily transactions of the state, this officer is required by law to settle, at stated periods, the accounts of the persons employed in collecting almost every species of public revenue, and until he shall find leisure to effect such settlement, even the powers of the Supreme Executive Council are restrained.

Upon the same officer is devolved the laborious employment of effecting the exchange of continental and new loan certificates, with which are necessarily connected the receipt and payment of indents.

The more arduous and important task of preparing and stating the account between this state and the United States, in which the interest of *Pennsylvania* is so deeply involved, is also committed to his charge. An object of this magnitude would have justified the appointment of a commissioner, for the exclusive purposes of settling the individual accounts, upon which this must depend, and afterwards of bringing forward the general accounts, in such a manner as would be most likely to do justice to the state.

In another instance the legislature appears to have been equally profuse of its confidence, though the committee cannot discover the connection it has with the nature of the office.

All the certificates received in payment at the Land Office are directed to be delivered to the Comptroller-General, who, altho' thus possessed of the treasure of the state to a great amount, gives no security for the safe keeping of the property he receives, while the Treasurer, in whose hands alone it can with propriety be placed, is bound, with two or more sureties, in the sum of *thirty thousand pounds*, altho' the fourth part of that sum is seldom in his possession at one time.

Without proceeding farther in this detail, the committee beg leave to observe, that whether from the impracticable and unwieldy duties of the office, or from a want of clearness and method in stating and keeping the public accounts, the whole business is greatly in arrear.

The account between this state and the United States, although seven years have been employed upon it, is not yet compleated. No entries have been made in his general books of any transactions since *February 1786*, and the numerous accounts depending between the state and individuals, which are filed in his office, and which, in case of accident happening to the officer, would be almost the only evidence of the transaction, would, from their unsettled state, only serve to mislead. Notwithstanding the acts of the *28th March* and *30th September, 1789*, he has furnished the Register-General with

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no more than about sixty of the balances due at the first mentioned period. The regular settlement with officers employed in collecting the revenues is in equal disorder. Since the 28th of *March*, the accounts of only six collectors of excise and five county treasurers, of ten prothonotaries and clerks of quarter sessions collecting fines and forfeitures, marriage and tavern licences, of four of the prothonotaries liable to pay taxes upon legal process, and of five county lieutenants, have been settled.

Some of these officers, who have not settled, have however made payments on *account* since the period referred to; but the manner in which many of those payments have been made strongly evinces the necessity of thorough and immediate reformation. Instead of bringing money, they have produced receipts or certificates of their having already paid away the sum for which they demand credit to persons drawing interest from the state; thus preferring their friends and favorites, while the suffering creditor, who relies upon the general treasury, is unjustly postponed. And these preferences are frequently given out of funds specifically appropriated to other demands.

The only effectual means which have occurred to the committee of remedying these evils is, to vest the management of the whole productive part of the revenue in the Treasurer of the state, subject to proper examination and controul. Regularity, vigour and œconomy, appear to the committee to be the obvious consequences of this measure, if adopted.

The examination of the evidence of demands brought against the state, and the preparation and statement of accounts, requiring more time and trouble than the revision of them afterwards, the committee apprehend that it would promote the completion of the unfinished business in the hands of the Comptroller-General, if the accounts hereafter occurring were submitted, in the first instance, to the Register-General, to be afterwards laid before the Comptroller-General, for his inspection and approbation.

By these measures the time of the latter officer may be applied, with little interruption, to the discharge of that long arrearage of official duty, so pernicious to the commonwealth; the accounts in which it is interested may in time be settled; the annual requisition for a state of our finances be easily complied with; and it may not again be necessary to appoint a committee, to enquire "why the public accounts have not been furnished, agreeably to law."

Ordered to lie on the table.

A motion was made by Mr. *Rawle*, seconded by Mr. *Thomas*, as follows, viz.

Resolved, That it is necessary to introduce greater regularity, vigour and œconomy, in the collection of the public revenues. That for this purpose, the settlement of the accounts of the collectors of excise, county treasurers, prothonotaries, and clerks of courts of quarter sessions collecting fines and forfeitures, monies paid for marriage and tavern licences and taxes upon writs, the receiver-general, and the auctioneers of the city of *Philadelphia*, the district of *Southwark*, and township of the *Northern-Liberties*, and also the accounts of fees received by the secretary of Council and officers of the land-office, ought to be vested in the treasurer of the state, subject to proper examination and controul.

Resolved, That the receipt of the interest and the remaining part of the principal of the monies loaned by the state to its citizens ought to be effected with less circuitry and expence; for which purpose, the powers now vested in

in the officers of the loan-office ought to be transferred to the treasurer of the state.

Resolved, That the interest of the commonwealth requires that the account between the United States and this state should be completed without further delay, and that all accounts depending between this state and individuals, or bodies politic (other than the United States) should be settled and adjusted to the 28th day of *March*, 1789; for which purpose, it is necessary to invest the Register-General with the power of stating and adjusting all accounts hereafter occurring between the state and individuals, or bodies politic, subject to the revision of the Comptroller-General, and final approbation of the Supreme Executive Council.

Resolved, That the custody of all certificates granted by the United States, and received in payment for lands, or otherwise, by this state, except certificates received on loan by virtue of the act passed *March* 1st, 1786, ought to be vested in the treasurer of the state.

Resolved, That a committee be appointed to bring in a bill, for the purposes before mentioned.

Ordered to lie on the table.

The report on the petition of a number of the inhabitants of *Fannet* township, in the county of *Franklin*, read yesterday, was read the second time: Whereupon

Resolved, That sundry inhabitants of *Fannet* township, in *Franklin* county, who have requested an exoneration from taxes, have leave to withdraw their petition.

The bill, entitled “ *An Act for altering a certain clause in the charter of the corporation for the relief of the widows and children of Clergymen of the Protestant Episcopal church in the United States of America*,” was read the second time, and considered by paragraphs.

Ordered, That it be transcribed for a third reading, and forthwith published for consideration.

Mr. *Rawle*, in his place, read a bill, entitled “ *An Act to confirm and establish the titles of lands, tenements and hereditaments, held under the late Proprietaries of Pennsylvania* ;” and, having obtained leave for that purpose, presented the same to the chair, when it was read the first time, and

Ordered to lie on the table.

The House resumed the consideration of the bill, entitled “ *An Act for granting the sum of pounds, towards repairing a road across the Blue Mountain, in the county of Cumberland*.”

And on the question,—“ *Will the House consider the same by paragraphs?*”

It was carried in the negative.

The bill, entitled “ *An Act to authorize the sale of the barracks in the borough of Lancaster*,” was read the second time, and considered by paragraphs.

Ordered, That it be transcribed for a third reading, and forthwith published for consideration.

The bill, entitled “ *An Act for regulating fences, and directing the mode of proceeding with trespassing creatures within the counties herein after mentioned*,” was read the third time.

And on the question,—“ *Will the House consider the same by paragraphs?*”

It was carried in the negative.

The report on the several letters from the Register-General and Comptroller-General, read yesterday, was read the second time.

A motion was made by Mr. *Maclay*, seconded by Mr. *Mitchell*,

To postpone the consideration of the said report.

Which was carried in the affirmative. Whereupon,

On motion of Mr. *Rawle*, seconded by Mr. *Thomas*,

Ordered, That one hundred copies of the said report, as well as of the report of the committee appointed *February* 19th, to enquire and report the reasons why the public accounts have not been furnished to this House, agreeably to law, and of the resolutions contained in the motion made by Mr. *Rawle*, seconded by Mr. *Thomas*, be printed, for the use of the members.

Adjourned until ten o'clock to-morrow, A. M.

Saturday, March 13, 1790. A. M.

The House met pursuant to adjournment.

The committee appointed *February* 25th, on the petition of the trustees of the public school at *Germantown*, made report, which was read, as follows, *viz.*

The committee, to whom was referred the petition of the trustees of the public school at *Germantown*, report—

That they have enquired into the situation of the said school, and the general circumstances of the inhabitants contiguous thereto, and are of opinion, that, from the nature of their occupations, being generally industrious tradesmen, upon whose daily labour depends the support of their families, and from the populous neighbourhood of such families which surround the said school, whose industry suffices to support their families, but cannot enable them to give sufficient learning to their children, it appears to your committee to be a school, that, with a small assistance from the legislature, may become a beneficial nursery of learning to a very useful class of citizens; and as the only fund in the gift of the legislature is land, the appropriated 60,000 acres of which cannot be properly broken in upon at this time, yet as several grants have been made for like purposes out of the unappropriated lands of this state, we conceive this small, but useful, seminary may be aided with great propriety out of said lands, on condition of actual settlements to be made thereon within a limited time: Therefore your committee beg leave to submit the following resolution, *viz.*

Resolved, That a committee be appointed to bring in a bill, to grant acres of the unappropriated lands of this state to the trustees of the public school at *Germantown*, free of charges of surveying and other office fees, on condition that they settle thereon one family for every tract of 300 acres thereof, within years after the date of the grant.

Ordered to lie on the table.

The committee appointed *February* 20th, on the petitions for a division of the county of *Dauphin*, made report, which was read, as follows, *viz.*

The committee, to whom were referred the petitions of a number of the inhabitants of the eastern parts of *Dauphin* county, and the petition of a number of the inhabitants of the north-western part of the county of *Berks*, praying for a division of the county of *Dauphin* aforesaid, beg leave to report—

That

That it appears to your committee that the petitioners labour under many disadvantages on account of their distant situation from the seat of justice; yet, however proper your committee might deem a division of said county, they conceive the boundary lines of the proposed county extend too far, in as much as the said lines would render the old county too small, and consequently be injurious to the inhabitants thereof: They therefore offer the following resolution, viz.

Resolved, That the prayer of the petitions of a number of the inhabitants of the eastern parts of the county of *Dauphin*, and of the petition of a number of the inhabitants of the north-western part of the county of *Berks*, cannot at this time be granted.

Ordered to lie on the table.

Agreeably to leave given, a member presented to the chair a bill, entitled "*An Act to incorporate the Protestant Episcopal Congregation of St. James's church, in the borough of Bristol, and county of Bucks*," which was read the first time, and

Ordered to lie on the table.

The petition of *William Cook*, read yesterday, was read the second time.

Ordered, That it be referred to Mr. *Hopkins*, Mr. *Ealer* and Mr. *McCreight*, to report thereon.

The petition of *Frederick Dorsh*, read yesterday, was read the second time.

Ordered, That it be referred to Mr. *Erb*, Mr. *Reiff* and Mr. *Mitchell*, to report thereon.

The committee appointed *November 19th* last, on that part of the report of the committee which respects the act, entitled "*An Act for amending the penal laws of this state*," made report, which was read; and on motion, and by special order, the same was read the second time, and adopted, as follows, viz.

The committee, to whom was referred the consideration of the act, entitled "*An Act to amend the penal laws of this state*," report—

That in the opinion of the committee it will be expedient to continue the system of punishment contained in the act above mentioned for a limited time, with certain improvements, to be directed by the Legislature, in the manner of carrying it into effect: For which purpose they submit the following resolutions, viz.

Resolved, That a committee be appointed to bring in a bill, to continue the act, entitled "*An Act to amend the penal laws of this state*," for years, and to repeal the supplement thereto.

Resolved, That the committee be instructed to report a supplementary bill, founded upon the following principles, viz.

That all offenders sentenced to hard labour be confined and employed in solitary cells or apartments, under the inspection of keepers by day, and the guard of a centinel at night: That for this purpose a suitable number of cells, feet in width, feet in depth, and feet in height, be constructed in the yard of the gaol of the city and county of *Philadelphia*: That the Courts of Quarter Sessions in the several counties shall be authorised to send persons convicted in their respective counties to the said gaol, to be confined at hard labour during the time for which they shall respectively receive sentence: And that the President and Supreme Executive Council be authorised

authorised to draw orders on the Treasurer of the state for the sum of _____ to be applied towards erecting the same, the remainder thereof to be paid by the city and county of *Philadelphia*; provided the whole expence shall not exceed the sum of _____ : That the remaining part of the gaol be divided into apartments, for the separate confinement of female convicts, persons charged with misdemeanors, vagrants and disorderly persons, committed by the order of any Magistrate.

Resolved, That the work-house of the city of *Philadelphia* be set apart for the reception of debtors, and of persons committed to secure their appearance as witnesses, and who are not charged with any misdemeanor or higher offence.

Resolved, That convicts having escaped, or having been pardoned, and committing offences which were liable to be capitally punished before enacting the said law, shall be liable to the same punishments as if the said act had not been made : That a proportionable part of the surplus, if any, from the labour of such convicts, after deducting the expences of cloathing and subsistence, shall be laid aside for the use of such convict, to be delivered to him at the expiration of his confinement, if he has behaved himself well.

Ordered, That Mr. *Rawle*, Mr. *M'Dowell* and Mr. *Kennedy* be a committee, to bring in a bill conformably to the foregoing resolutions.

On motion,

Ordered, That Mr. *Balliot* have leave of absence during the remainder of the present session.

On motion of Mr. *Rawle*, seconded by Mr. *M'Dowell*,

Ordered, That the bill, entituled "*An Act to confirm and establish the titles of lands, tenements and hereditaments, held under the late Proprietaries of Pennsylvania*," read yesterday, be referred to Mr. *Lewis*, Mr. *Hoge* and Mr. *Maclay*, to report thereon.

The report on the petition of *Eleazer Oswald*, read yesterday, was read the second time : Whereupon

Resolved, That a committee be appointed to bring in a bill, authorising *Eleazer Oswald* to sell and dispose of one sixth part of the lot of ground mentioned in his petition to this House, for the use of the minors in the said petition named.

Ordered, That Mr. *Lewis*, Mr. *Hoge*, Mr. *Allison* and Mr. *Roberts* be a committee, to bring in a bill conformably to the foregoing resolution.

Mr. *Carson*, in his place, read a bill, entituled "*An Act to erect the town of _____, in the county of Dauphin, into a borough*;" and, having obtained leave for that purpose, presented the same to the chair, when it was read the first time, and

Ordered to lie on the table.

On motion of Mr. *Rawle*, seconded by Mr. *Maclay*,

Ordered, That *Tuesday* next be assigned for resuming the consideration of the report on the several letters from the Comptroller-General and Register-General, postponed yesterday, as well as to take up for a second reading the report of the committee appointed to enquire, and report the reasons why the public accounts have not been furnished to this House, agreeably to law, and to consider the resolutions contained in the motion made by Mr. *Rawle*, seconded by Mr. *Thomas*, and that they be the order for that day.

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The bill, intituled “ *An Act in favour of Robert Thorn,*” was read the second time, and considered by paragraphs.

Ordered, That it be transcribed for a third reading, and forthwith published for consideration.

Adjourned until three o'clock on *Monday* next, P. M.



Monday, March 15, 1790. P. M.

The House met pursuant to adjournment.

A letter from the Comptroller-General, containing certain remarks on the subject matters contained in the report on the several letters from the said Comptroller-General and Register-General, postponed *March 12th*, as well as in the report of the committee appointed to enquire, and report the reasons why the public accounts have not been furnished to this House, agreeably to law, and the resolutions contained in the motion made by Mr. *Rawle*, and seconded by Mr. *Thomas*, was read, together with its enclosures, lettered from A. to H. inclusive.

Ordered to lie on the table.

The committee, to whom was referred, *November 18th* last, the report of a committee of the late House of Assembly respecting the repairs of *Mud-Island*, made report, which was read, as follows, *viz.*

The committee, appointed the 18th of *November* last, to take into consideration the report of a committee made to the late House of Assembly the 29th *September*, 1789, beg leave to report—

That it appears the banks of *Mud-Island*, in the river *Delaware*, were so exceedingly decayed by high freshes, &c. as to endanger the fortifications and other buildings erected thereon, the property of this state; that the President and Council have, in order to prevent their going to ruin, expended *four hundred and ninety-six pounds eight shillings and three-pence*, by draughts on the treasury, towards the repairs thereof, without any express appropriation having been made by law for that purpose; that the further sum of *five hundred pounds* is required, to compleat the necessary repairs in a permanent manner; and as the preservation of the said island, fort and other property, is a very desirable object, your committee submit the following resolution, *viz.*

Resolved, That a committee be appointed to bring in a bill, to be enacted into a law, directing the State Treasurer to set apart *one thousand pounds* of the interest arising from the Loan-Office, for the purpose of replacing the *four hundred and ninety-six pounds eight shillings and three-pence* already expended on the banks of *Mud-Island*, as well as to furnish a sum sufficient to complete the further repairs required on said island; and to authorise the President and Supreme Executive Council to employ suitable persons, by contract or otherwise (as to them shall seem best) to put the banks of *Mud-Island* into good and durable repair, and to pay for the same by a warrant or warrants, drawn on the State Treasury, for any sum not exceeding *five hundred and three pounds eleven shillings and nine-pence*.

Ordered to lie on the table.

The committee, to whom were referred, *November 28th* last, all the papers on the files of the General Assembly respecting the claims to lands in the county of *Luzerne*, made report, which was read, as follows, *viz.*

The committee, to whom were referred all the papers on the files of the late House relative to disputed lands in the county of *Luzerne*, and also the petition of *Henry Pawling*, report—

That upon due consideration of all the circumstances of the case, they are of opinion that it is proper and necessary to repeal the act, entitled "*An Act for ascertaining and confirming to certain persons, called Connecticut Claimants, the lands by them claimed within the county of Luzerne, and for other purposes therein mentioned:*" They therefore submit the following resolution, *viz.*

Resolved, That a committee be appointed to bring in a bill, to repeal the act, entitled "*An Act for ascertaining and confirming to certain persons, called Connecticut Claimants, the lands by them claimed within the county of Luzerne, and for other purposes therein mentioned.*"

Ordered to lie on the table.

The committee, to whom were referred, *February 10th*, the petitions of 895 inhabitants of the county of *Mifflin*, and to whom was re-committed, *February 16th*, that part of the report of a committee, read *December 7th* last, which respects the petitions of a number of the inhabitants of the townships of *Potter's*, *Bald-Eagle*, *Lack*, *Milford*, *Fermanagh* and *Greenwood*, in the county of *Mifflin* aforesaid, made report, which was read, as follows, *viz.*

The committee, to whom were referred the petitions of a number of the inhabitants of the county of *Mifflin*, relative to the seat of justice and boundary line of said county, to whom was also referred the report of a former committee on the same subject, and a letter from three of the Trustees for erecting the public buildings of said county, report—

That they have carefully attended to the business referred to them, and endeavoured to gain every information in their power that appeared likely to lead to a proper determination; and, after mature consideration, are not able to discover any sufficient reason for removing the seat of justice of the said county of *Mifflin* from the place where it is already fixed by law, although they are of opinion that some of the boundary lines may at some future time admit of alterations to advantage: They are also of opinion that it will be proper to appoint an additional Commissioner, or Trustee, for erecting the court-house and prison for said county: The committee therefore submit the following resolutions, *viz.*

Resolved, That the prayer contained in the petitions of a number of the inhabitants of *Potter's* and *Bald-Eagle* townships, in the county of *Mifflin*, to be re-annexed to *Northumberland* county, ought not at this time to be granted.

Resolved, That the petitions of a number of the inhabitants of *Mifflin* county, and part of *Greenwood* township, in *Cumberland* county, praying for a removal of the seat of justice in said county of *Mifflin*, ought not to be granted, and that they, together with the petitioners mentioned in the last preceding resolution, have leave to withdraw their petitions.

Resolved, That a committee be appointed to bring in a bill, to be enacted into a law, for appointing an additional Trustee for erecting a court-house and prison in and for the county of *Mifflin*.

Ordered to lie on the table.

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The committee appointed *February 24th*, on the petition of *Mary Harrison*, made report, which was read, as follows, *viz.*

The committee, to whom was referred the petition of *Mary Harrison*, report—

That the particulars stated in the petition of *Mary Harrison* appear to be true; that it is not to be presumed to have been the intention of the Legislature to punish the innocent creditor for the faults of the guilty debtor, which would most certainly be the consequence, if the act of the 6th *March*, 1778, is to be adhered to in the present case: Your committee, feeling a conviction that the House are desirous of extending equal justice to all, offer the following resolution, *viz.*

Resolved, That the prayer of the petition of *Mary Harrison* be complied with; that she have leave to bring in a bill, for the purposes set forth in said petition, provided the rate of exchange shall not exceed *one hundred and sixty-six pounds thirteen shillings and four-pence* currency for *one hundred pounds* sterling.

Ordered to lie on the table.

The committee appointed for the purpose reported a bill, entitled “ *An Act to reform the penal laws of this state*,” which was read the first time, and

Ordered to lie on the table.

The bill, entitled “ *An Act for compensating Laughlin M‘Cartney, and others therein mentioned, for supplies by them furnished the civil officers of Northumberland county in the year one thousand seven hundred and seventy-five*,” was read the second time, and considered by paragraphs.

Ordered, That it be transcribed for a third reading, and forthwith published for consideration.

A motion was made by Mr. *Maclay*, seconded by Mr. *White*, in the words following, *viz.*

Whereas the General Assembly, by a resolve, appointed *John Byers*, *Christopher Gottig* and *Henry Haller* Commissioners, to view and examine the present road leading from *Conrad Minick’s* to *Sunbury*, and to mark and lay out a road, the best and nearest the country will admit of, from and to the places aforesaid; and by the same resolve did empower the said commissioners to call on the treasurer of *Northumberland* county for all arrearages of the *eighteen-penny* taxes then in the hands of the said treasurer, or that might thereafter come into his hands, excepting only such sums as had been paid by order of the Supreme Executive Council for the defence of the frontier of said the county: And whereas the said commissioners, by the said resolve, were to report their proceedings to the General Assembly of this state, of the money by them received, and of their expenditures, from time to time, and of the amendments and alterations which they may make in the said road: And as it is apprehended that a considerable sum of the said *eighteen-penny* taxes yet remains unaccounted for by the treasurer and county commissioners of *Northumberland* county, and as the commissioners appointed for viewing and repairing the said road have not rendered an account to the General Assembly of this state, agreeable to the intention of the General Assembly when the said commissioners were appointed: Therefore

Resolved, That the said *John Byers*, *Christopher Gottig* and *Henry Haller*, be called upon to report their proceedings under the resolve of the General Assembly

Assembly of *Pennsylvania* of the 22d of *March*, 1784, in every matter and thing done by them under the said resolve, to the General Assembly, at their next session; and that the Clerk of the General Assembly be directed to furnish the said commissioners with a copy of this resolution.

Ordered to lie on the table.

The bill, entituled “ *A further Supplement to the act of Assembly, entitled “ An Act for the relief of insolvent debtors within the province of Pennsylvania,*” was read the third time, and considered by paragraphs.

Ordered, That it be engrossed, for the purpose of being enacted into a law. Adjourned until ten o'clock to-morrow, A. M.

Tuesday, March 16, 1790. A. M.

The House met pursuant to adjournment.

A petition from the members of the religious society called *Seventh-day Baptists*, and others in their behalf, was read, setting forth, that by the law now in force they are subjected to fine for labouring on the first day of the week, and deprived of the rights and privileges enjoyed by the other citizens of this state of attending the township elections, in as much as they are directed to be held on the seventh days of the week, being the day allotted by said society for their public worship; and praying relief in the premises.

Ordered to lie on the table.

A petition from the members of the *Hebrew* congregation in the city of *Philadelphia* was read, setting forth, that they have at a considerable expence erected a house for the worship of God; that they are still indebted to divers persons for completing the same about *eight hundred pounds*, and for which the same will be sold by public auction, unless payment of the said sum be made; that the number of their members is considerably diminished, and the congregation unable to discharge the said debt; therefore praying this House to grant them leave to bring in a bill, to raise, by way of lottery, a sum of money sufficient for the aforesaid purpose.

Ordered to lie on the table.

The committee appointed *February 20th*, on the petition of *George Ingles*, made report, which was read, as follows, *viz.*

The committee on the petition of *George Ingles*, Inspector of staves and heading, report—

That the defects complained of in the said petition as existing in the present laws relative to the inspection of staves, heading, boards and lumber appear to require the intervention of the legislative powers of this House. The following resolution is therefore submitted, *viz.*

Resolved, That a committee be appointed to bring in a bill, to amend the several acts of Assembly relative to the inspection of staves, heading, board and lumber.

Ordered to lie on the table.

Agreeably to the order of the day, the House resumed the consideration of the report on the several letters from the Comptroller-General and Register-General, postponed *March 12th*: Whereupon,

On motion of Mr. *Rawle*, seconded by Mr. *Vaux*,

Ordered, That the further consideration of the said report be postponed.

The report of the committee appointed to enquire, and report the reasons why the public accounts have not been furnished to this House, agreeably to law, and the resolutions contained in the motion made by Mr. *Rawle*, seconded by Mr. *Thomas*, were, agreeably to the order of the day, severally read the second time: Whereupon,

A motion was made by Mr. *Kennedy*, seconded by Mr. *Mitchell*,

To postpone the said report and resolutions.

It was then moved by Mr. *Rawle*, seconded by Mr. *Gurney*,

To amend the said motion, by inserting, after the word "*resolutions*," the words, "*until to-morrow*."

Which was carried in the affirmative, and the motion for postponement, as amended, adopted.

A motion was made by Mr. *Kennedy*, seconded by Mr. *Harris*,

That one hundred copies of the letter from the Comptroller-General, read yesterday, be printed, for the use of the members.

A letter from *Sharp Delany*, Esq; was presented to the chair, and read, contradicting certain charges contained in the letter from the Comptroller-General, read yesterday.

Ordered to lie on the table.

It was then moved by Mr. *Kennedy*, seconded by Mr. *Maclay*,

To strike off one hundred copies of the said letter from the Comptroller-General, together with the statement of divers public accounts, marked A. for the use of the members.

On the question,— "*Will the House agree to the said motion of Mr. Kennedy and Mr. Maclay?*"—the Yeas and Nays being called by Mr. *Kennedy* and Mr. *Gurney*, were as follow, viz.

Y E A S.

- 1 *Thomas Kennedy,*
- 2 *David Mitchell,*
- 3 *Jonathan Hoge,*
- 4 *John Ludwig,*
- 5 *Nicholas Lutz,*
- 6 *John Moore,*
- 7 *Samuel Maclay,*
- 8 *John Baird,*
- 9 *James Barr,*
- 10 *James Allison,*
- 11 *Alexander Wright,*

N A Y S.

- 1 *Lawrence Sickle,*
- 2 *William Rawle,*
- 3 *Francis Gurney,*
- 4 *Samuel Asbmead,*
- 5 *Thomas Paul,*
- 6 *Thomas Britton,*
- 7 *Valentine Upp,*
- 8 *John Chapman,*
- 9 *James Bryan,*
- 10 *Richard Thomas,*

Y E A S.

- 12 *James Marshall,*
- 13 *John Gilchbreest,*
- 14 *James Finley,*
- 15 *James Johnston,*
- 16 *John Rhea,*
- 17 *Jacob Miley,*
- 18 *John Carson,*
- 19 *James M'Creight,*
- 20 *John Harris,*
- 21 *John Nevil.*

N A Y S.

- 11 *Richard Downing, jun.*
- 12 *John M'Dowell,*
- 13 *James Clemson,*
- 14 *John Hopkins,*
- 15 *Henry Dering,*
- 16 *James Cunningham,*
- 17 *Jacob Erb,*
- 18 *John Miller,*
- 19 *Thomas Clingan,*
- 20 *Joseph Reed,*

N A Y S.

- 21 *Jacob Schmyser,*
- 22 *John Stewart,*
- 23 *Thomas Lilley,*
- 24 *William Godfrey,*
- 25 *Daniel Leinbach,*
- 26 *Peter Ealer,*
- 27 *Conrad Ibrie, jun.*
- 28 *Anthony Lerch, jun.*
- 29 *Herman Husband,*

N A Y S.

- 30 *John White,*
- 31 *Jacob Reiff,*
- 32 *Jonathan Roberts,*
- 33 *Benjamin Markley,*
- 34 *James Vaux,*
- 35 *Obadiab Gore,*
- 36 *David Stewart,*
- 37 *Hugh Lloyd,*
- 38 *Richard Riley.*

So it was carried in the negative.

On motion of Mr. *Kennedy*, seconded by Mr. *Vaux*,
Ordered, That *Friday* next be assigned for the second reading of the report read yesterday, respecting the claims to lands in the county of *Luzerne*, and that it be the order for that day.

The bill, entitled “ *An Act for the relief of John Lytle, John Webb and William Murray,*” was read the third time, and in part considered by paragraphs.

Ordered, That the further consideration thereof be postponed.

The report of the committee respecting the repairs of *Mud-Island*, read yesterday, was read the second time: Whereupon

Resolved, That a committee be appointed to bring in a bill, to be enacted into a law, directing the State Treasurer to set apart *one thousand pounds* of the interest arising from the Loan-Office, for the purpose of replacing the *four hundred and ninety-six pounds eight shillings and three-pence* already expended on the banks of *Mud-Island*, as well as to furnish a sum sufficient to complete the further repairs required on said island; and to authorise the President and Supreme Executive Council to employ suitable persons, by contract or otherwise (as to them shall seem best) to put the banks of *Mud-Island* into good and durable repair, and to pay for the same by a warrant or warrants, drawn on the State Treasury, for any sum not exceeding *five hundred and three pounds eleven shillings and nine-pence*.

Ordered, That Mr. *Lewis*, Mr. *Gurney* and Mr. *Carson* be a committee, to bring in a bill conformably to the foregoing resolution.

The petition of *John Glen*, read *December 9th* last, was read the second time.

Ordered, That he have leave to withdraw his petition.

Adjourned until ten o'clock to-morrow, A. M.

Wednesday, March 17, 1790. A. M.

The House met pursuant to adjournment.

A letter from the Comptroller-General was read, dated *March 16th* instant.

Ordered to lie on the table.

The committee appointed *February 20th*, on the petition of a number of the inhabitants of the townships of *Moreland, Abington, Cheltenham* and *Springfield*, in the county of *Montgomery*, made report, which was read, as follows, viz.

The

The committee, to whom was referred the petition of a number of the inhabitants of *Moreland, Abington, Cheltenham* and *Springfield* townships, in the county of *Montgomery*, praying to be separated from the county of *Montgomery*, and annexed to the county of *Philadelphia*, report—

That fully convinced of the impropriety of altering county lines, unless in cases of strong necessity, and conceiving that such necessity does not exist in the present instance, they are of opinion that leave should be given to withdraw the said petitions: The following resolution is therefore submitted, *viz.*

Resolved, That leave be given to withdraw the petitions signed by a number of the inhabitants of the townships of *Moreland, Abington, Cheltenham* and *Springfield*, praying that the said townships may be annexed to the county of *Philadelphia*.

Ordered to lie on the table.

The committee appointed *March* 10th inst. on the petitions of a number of the inhabitants of the county of *Bedford*, made report, which was read, as follows, *viz.*

The committee, to whom were referred the petitions from a number of the inhabitants of *Bedford* county, praying for an exoneration from militia fines, beg leave to report—

That they have duly considered the subject matter of their petition, and find, that by the act of Assembly of the 27th of *March*, 1789, the commissioners of the city and county of *Philadelphia*, and of the several counties of this commonwealth, have full power and authority to hold appeals, and to grant exonerations from militia fines, as in their judgment and discretion shall seem meet; your committee are therefore of opinion that it would be improper for the legislature to interfere, where the existing laws have already sufficiently provided: They therefore offer the following resolution, *viz.*

Resolved, That the petitioners from the county of *Bedford*, praying for an exoneration of militia fines, have leave to withdraw their petitions.

Ordered to lie on the table.

The committee appointed *February* 16th last, on the memorial and petition of the Mayor, Aldermen and Citizens of *Philadelphia*, made report in part, which was read, as follows, *viz.*

The committee, to whom was referred the memorial and petition of the Mayor, Aldermen and Citizens of the city of *Philadelphia*, report in part,—

That without entering at present into the consideration of the extensive powers for the internal regulation of the city of *Philadelphia*, applied for by the memorialists, it appears requisite that immediate provision should be made to obviate certain inconveniencies, arising from a defect of proper authority to provide for the watching, lighting, paving and cleansing the streets, and other local purposes: They have therefore taken the liberty to report a bill for these special purposes only, entitled “ *A further Supplement to the act, entitled “ An Act to incorporate the city of Philadelphia.”* Which bill was presented to the chair, read the first time, and

Ordered to lie on the table.

Agreeably to the order of the day, the House resumed the consideration of the report of the committee appointed to enquire, and report the reasons why the public accounts have not been furnished to this House, agreeably to law, postponed yesterday, as well as the resolutions moved by Mr. Rawle, and seconded by Mr. Thomas.

A mo-

A motion was made by Mr. *Kennedy*, seconded by Mr. *Maclay*,
To postpone the consideration of the said report and resolutions.

On the question,— “ *Will the House agree to the postponement?* ”—the
Yeas and Nays being called by Mr. *Kennedy* and Mr. *Gurney*, were as fol-
low, viz.

Y E A S.

- 1 *James Cunningham,*
- 2 *Thomas Clingan,*
- 3 *Joseph Reed,*
- 4 *Thomas Kennedy,*
- 5 *David Mitchell,*
- 6 *Jonathan Hoge,*
- 7 *John Ludwig,*
- 8 *Nicholas Lutz,*
- 9 *Daniel Leinbach,*
- 10 *Anthony Lerch, jun.*
- 11 *John Moore,*
- 12 *Herman Husband,*
- 13 *Samuel Maclay,*

N A Y S.

- 1 *Lawrence Sickie,*
- 2 *Jacob Hiltzheimer,*
- 3 *William Lewis,*
- 4 *William Rawle,*
- 5 *Francis Gurney,*
- 6 *Samuel Ashmead,*
- 7 *Thomas Paul,*
- 8 *Thomas Britton,*
- 9 *Valentine Upp,*
- 10 *John Chapman,*
- 11 *James Bryan,*
- 12 *Richard Thomas,*
- 13 *Richard Downing, jun.*
- 14 *James Clemson,*
- 15 *John Hopkins,*
- 16 *Henry Dering,*
- 17 *Jacob Erb,*

Y E A S.

- 14 *John Baird,*
- 15 *James Barr,*
- 16 *James Allison,*
- 17 *Alexander Wright,*
- 18 *James Marshall,*
- 19 *John Gilcbreest,*
- 20 *James Finley,*
- 21 *James Johnston,*
- 22 *John Rhea,*
- 23 *John Carson,*
- 24 *Obadiab Gore,*
- 25 *John Nevil,*
- 26 *John Harris.*

N A Y S.

- 18 *John Miller,*
- 19 *Jacob Schmyser,*
- 20 *John Stewart,*
- 21 *Thomas Lilley,*
- 22 *William Godfrey,*
- 23 *Peter Ealer,*
- 24 *Conrad Ibrie, jun.*
- 25 *Jacob Reiff,*
- 26 *Jonathan Roberts,*
- 27 *Benjamin Markley,*
- 28 *James Vaux,*
- 29 *Jacob Miley,*
- 30 *James M'Creight,*
- 31 *David Stewart,*
- 32 *Hugh Lloyd,*
- 33 *Richard Riley.*

So it was carried in the negative.

And the first of the said proposed resolutions being under consideration, viz.

Resolved, That it is necessary to introduce greater regularity, vigour and
œconomy in the collection of the public revenues. That for this purpose
the settlement of the accounts of the Collectors of Excise, County Treasur-
ers, Prothonotaries, and Clerks of Courts of Quarter Sessions collecting
fines and forfeitures, monies paid for marriage and tavern licences, and taxes
upon writs, the Receiver-General, and the Auctioneers of the city of *Phila-*
delphia, the district of *Southwark*, and townships of the *Northern-Liberties*
and *Moyamensing*, and also the accounts of fees received by the Secretary of
Council,

Council, and the officers of the Land-Office ought to be vested in the Treasurer of the state, subject to proper examination and controul.

A motion was made by Mr. *Maclay*, seconded by Mr. *Kennedy*,

To strike out the word "*settlement*," and the word "*vested*," and in lieu of the former to insert the word "*arranging*," and of the latter the word "*submitted*;" and to add to the said resolution the following words, viz. "*of the Comptroller-General*."

On the question,—"*Will the House agree to the proposed amendments?*"

It was carried in the negative.

The original resolution then recurring, viz.

Resolved, That it is necessary to introduce greater regularity, vigour and œconomy in the collection of the public revenues. That for this purpose the settlement of the accounts of the Collectors of Excise, County Treasurers, Prothonotaries, and Clerks of Courts of Quarter Sessions collecting fines and forfeitures, monies paid for marriage and tavern licences and taxes upon writs, the Receiver-General, and the Auctioneers of the city of *Philadelphia*, the district of *Southwark*, and townships of the *Northern-Liberties* and *Moyamensing*, and also the accounts of fees received by the Secretary of Council and Officers of the Land-Office, ought to be vested in the Treasurer of the state, subject to proper examination and controul.

On the question;—"*Will the House adopt the same?*"—the Yeas and Nays being called by Mr. *Kennedy* and Mr. *Vaux*, were as follow, viz.

Y E A S.

- 1 *Lawrence Sickles*,
- 2 *Jacob Hiltzheimer*,
- 3 *William Lewis*,
- 4 *William Rawle*,
- 5 *Francis Gurney*,
- 6 *Samuel Ashmead*,
- 7 *Thomas Paul*,
- 8 *Thomas Britton*,
- 9 *Valentine Upp*,
- 10 *John Chapman*,
- 11 *James Bryan*,
- 12 *Richard Thomas*,
- 13 *Richard Downing*, jun.
- 14 *James Clemson*,
- 15 *John Hopkins*,
- 16 *Henry Dering*,
- 17 *James Cunningham*,
- 18 *Jacob Erb*,
- 19 *John Miller*,
- 20 *Thomas Clingan*,
- 21 *Jacob Schmyser*,

N A Y S.

- 1 *Joseph Reed*,
- 2 *Thomas Kennedy*,
- 3 *David Mitchell*,
- 4 *Jonathan Hoge*,

Y E A S.

- 22 *John Stewart*,
- 23 *Thomas Lilley*,
- 24 *William Godfrey*,
- 25 *Peter Ealer*,
- 26 *Conrad Ihrie*, jun.
- 27 *Anthony Lerch*, jun.
- 28 *John Moore*,
- 29 *Herman Husband*,
- 30 *James Barr*,
- 31 *Jacob Reiff*,
- 32 *Jonathan Roberts*,
- 33 *Benjamin Markley*,
- 34 *James Vaux*,
- 35 *Jacob Miley*,
- 36 *John Carson*,
- 37 *James McCreight*,
- 38 *Obadiab Gore*,
- 39 *David Stewart*,
- 40 *Hugh Lloyd*,
- 41 *Richard Riley*.

N A Y S.

- 5 *Nicholas Lutz*,
- 6 *Daniel Leinbach*,
- 7 *Samuel Maclay*,
- 8 *John Baird*,

N A Y S.

- 9 James Allison,
- 10 Alexander Wright,
- 11 James Marshall,
- 12 John Gilcbreeft,
- 13 James Finley,

N A Y S.

- 14 James Johnston,
- 15 John Rhea,
- 16 John Newil,
- 17 John Harris.

So it was carried in the affirmative, and the resolution adopted.

Resolved, That the receipt of the interest, and the remaining part of the principal of the monies loaned by the state to its citizens, ought to be effected with less circuitry and expence; for which purpose the powers now vested in the officers of the loan-office ought to be transferred to the treasurer of the state.

The following of the proposed resolutions being under consideration, *viz.*

Resolved, That the interest of the commonwealth requires that the account between the United States and this state should be compleated without further delay, and that all accounts depending between this state and individuals, or bodies politic (other than the United States) should be settled and adjusted to the 28th day of *March*, 1789; for which purpose, it is necessary to invest the Register-General with the power of stating and adjusting all accounts hereafter occurring between the state and individuals, or bodies politic, subject to the revision of the Comptroller-General, and final approbation of the Supreme Executive Council.

A motion was made by Mr. *Macley*, seconded by Mr. *Kennedy*,

To strike out the words, “ *to invest the Register-General with the power of stating and adjusting all accounts hereafter occurring between the state and individuals, or bodies politic, subject to the revision of the Comptroller-General, and final approbation of the Supreme Executive Council,*” in order to insert the following in lieu thereof, “ *to allow the Comptroller-General an additional Clerk for one year.*”

On the question,—“ *Will the House agree to strike out the said words, for the purpose aforesaid?*”

It was carried in the negative, and the original resolution adopted.

Resolved, That the custody of all certificates granted by the United States, and received in payment for lands, or otherwise, by this state, except certificates received on loan by virtue of the act passed *March* 1st, 1786, ought to be vested in the treasurer of the state.

Resolved, That a committee be appointed to bring in a bill, for the purposes before mentioned.

Ordered, That Mr. *Rawle*, Mr. *Thomas*, Mr. *Clingan*, Mr. *Hoge* and Mr. *Ryerson* be a committee, to bring in a bill conformably to the foregoing resolutions.

A motion was made by Mr. *Rawle*, seconded by Mr. *Gurney*, and adopted, as follows, *viz.*

Resolved, That the Comptroller-General be directed to proceed with the utmost expedition in preparing and stating the account between this state and the United States, in bringing forward the books of office to the twenty-eighth day of *March*, 1789, in settling all accounts between this state and individuals, or bodies politic, other than the United States, which still remain unsettled, and in taking legal measures for recovering all such

such sums of money, as, upon such settlements, shall be found due to the commonwealth, and that he report what progress he has made herein to this House, at their next session.

A letter from the Comptroller-General, with divers enclosures, was read, relative to the subject matters contained in the letter from *Sharp Delany*, Esquire, read yesterday.

Ordered to lie on the table.

Adjourned until ten o'clock to-morrow, A. M.

Thursday, March 18, 1790. A. M.

The House met pursuant to adjournment.

Petitions from a number of the inhabitants of the county of *Westmoreland* were read, praying the excise laws now in force may be so altered and amended, as to preclude any duty or imposition upon liquors made or distilled from the productions of this state.

Ordered to lie on the table.

A petition from a number of the inhabitants of the county of *Bucks* was read, setting forth, that they conceive themselves materially injured by the act, entitled "*An Act for vesting the estate of the late Proprietaries of Pennsylvania in this commonwealth*," in as much as they are by the said act subjected to the payment of a proportionable part of the sum of *one hundred and thirty thousand pounds* granted to the said Proprietaries, for the purpose of extinguishing the quit-rents, other than the proprietary tenths or manors, and praying they may be in like manner exempted from the payment of all quit-rents.

Ordered to lie on the table.

A petition from *Daniel Rees* was read, stating his claim against *Alexander Bartram*, an attainted traitor, whose estate and effects have been sold for the use of the commonwealth, and praying this House to grant him relief in the premises.

Ordered to lie on the table.

The committee appointed for the purpose reported a bill, entitled "*An Act to make provision for the repairs of Mud-Island*," which was read the first time, and

Ordered to lie on the table.

The committee appointed *March 9th*, on the petition of *William Tillyer*, made report, which was read, as follows, *viz.*

The committee, to whom was referred the petition of *William Tillyer*, report—

That if the finances of the state would admit of discharging the principal of the debts it has become liable to, the hard case of the petitioner, in common with many others, would receive relief; but until the state is able to accomplish so desirable a point, upon several principles the committee apprehend that the petitioner must be content to receive the interest of his debt, in common with the other creditors of the state: They submit the following resolution, *viz.*

Resolved, That *William Tillyer* have leave to withdraw his petition.

The committee of accounts made report, which was read, as follows, *viz.*

The

The committee of accounts report,—

That, in consequence of the order of the House, they have received of *David Rittenhouse*, Esquire, late Treasurer of this state, the following sums of money, viz.

Of the bills of credit emitted by act of Assembly of 16th *March*, 1785, being part of the annual sum of *twenty thousand pounds* ordered by law to be burnt, *one thousand one hundred and fifty-four pounds three shillings and three-pence*.

Of the bills of credit emitted by act of *April* 29th, 1780, called Island money, *forty-two pounds ten shillings*.

Of the bills of credit emitted by resolve of Assembly of the late province, *two thousand four hundred and five pounds and seven-pence*.

Of the bills of credit emitted by act of 7th *April*, 1781, *two thousand eight hundred and eighty-one pounds fourteen shillings and six-pence*.

Of treasury notes, issued by act of Assembly 1783, returned to the treasury by *Thomas Smith*, Esquire, Continental Loan-Officer, being never issued in payment, two thousand nine hundred and fifty-eight dollars and forty-five ninetieths.

All which we have counted, burnt and destroyed, according to law.

The report on the petition of *Mary Harrison*, read *March* 15th, was read the second time.

Ordered, That the further consideration thereof be postponed.

The motion made by Mr. *Maclay*, and seconded by Mr. *White*, *March* 15th, was read the second time, and adopted, as follows, viz.

Whereas the General Assembly, by a resolve, appointed *John Byers*, *Christopher Gottig* and *Henry Haller* Commissioners, to view and examine the present road leading from *Conrad Minick's* to *Sunbury*, and to mark and lay out a road, the best and nearest the country will admit of, from and to the places aforesaid; and by the same resolve did empower the said commissioners to call on the treasurer of *Northumberland* county for all arrearages of the *eighteen-penny* taxes then in the hands of the said treasurer, or that might thereafter come into his hands, excepting only such sums as had been paid by order of the Supreme Executive Council for the defence of the frontier of the said county: And whereas the said commissioners, by the said resolve, were to report their proceedings to the General Assembly of this state, of the money by them received, and of their expenditures, from time to time, and of the amendments and alterations which they may make in the said road: And as it is apprehended that a considerable sum of the said *eighteen-penny* taxes yet remains unaccounted for by the treasurer and county commissioners of *Northumberland* county, and as the commissioners appointed for viewing and repairing the said road have not rendered an account to the General Assembly of this state, agreeable to the intention of the General Assembly when the said commissioners were appointed: Therefore

Resolved, That the said *John Byers*, *Christopher Gottig* and *Henry Haller*, be called upon to report their proceedings under the resolve of the General Assembly of *Pennsylvania* of the 22d of *March*, 1784, in every matter and thing done by them under the said resolve, to the General Assembly, at their next session; and that the Clerk of the General Assembly be directed to furnish the said commissioners with a copy of this resolution.

The

The House resumed the consideration of the report on the memorial and petition of *James Biddle*, Esquire, postponed *March 11th*.

A motion was made by Mr. *Rawle*, seconded by Mr. *Boys*,

To postpone the consideration of said report.

Which was carried in the affirmative.

Mr. *Rawle* then, in his place, read a resolution, as a substitute for that contained in the said report; and being seconded by Mr. *Boys*, the same was presented to the chair, and read, as follows, *viz.*

Resolved, That a committee be appointed to bring in a bill, to reduce the tax upon writs issued out of the County Court of Common Pleas for the county of *Philadelphia*, to the sum of upon each of such writs.

It was then moved by Mr. *Kennedy*, seconded by Mr. *Schmyser*,

To postpone the consideration of the said resolution, in order to introduce the following in lieu thereof, *viz.*

Resolved, That a committee be appointed to bring in a bill, to reduce the tax on writs issued out of the County Courts of Common Pleas of the several counties of this state, in which such tax is imposed by law, to the sum of upon each of such writs.

On the question,—“ *Will the House agree to the postponement, for the afore-
“ said purpose?”*

It was carried in the negative.

The resolution moved by Mr. *Rawle*, seconded by Mr. *Boys*, recurring,

A motion was made by Mr. *MacLay*, seconded by Mr. *Rawle*,

To insert, after the word “ *reduce*,” the words “ *for one year*.”

Which was carried in the affirmative.

And on the question,—“ *Will the House agree to the resolution, as amend-
“ ed?”—viz.*

Resolved, That a committee be appointed to bring in a bill, to reduce, for one year, the tax upon writs issued out of the County Court of Common Pleas for the county of *Philadelphia*, to the sum of upon each of such writs.

The Yeas and Nays being called by Mr. *Kennedy* and Mr. *Rhea*, were as follow, *viz.*

Y E A S.

- 1 *Lawrence Sickles*,
- 2 *Jacob Hiltzbeimer*,
- 3 *William Rawle*,
- 4 *Francis Gurney*,
- 5 *Samuel Ashmead*,
- 6 *Elias Boys*,
- 7 *John Chapman*,
- 8 *James Bryan*,
- 9 *Richard Thomas*,
- 10 *Jacob Schmyser*,
- 11 *Thomas Lilley*,
- 12 *Jonathan Hoge*,
- 13 *John Ludwig*,
- 14 *Nicholas Lutz*,
- 15 *Daniel Leinbach*,

Y E A S.

- 16 *Peter Ealer*,
- 17 *Conrad Ihrie, jun.*
- 18 *Samuel MacLay*,
- 19 *John White*,
- 20 *John Baird*,
- 21 *Jacob Reiff*,
- 22 *Jonathan Roberts*,
- 23 *Benjamin Markley*,
- 24 *James Vaux*,
- 25 *Jacob Miley*,
- 26 *John Carson*,
- 27 *David Stewart*,
- 28 *John Nevil*,
- 29 *Hugh Lloyd*,
- 30 *Richard Riley*.

3 E

N A Y S.

N A Y S.

- 1 Thomas Paul,
- 2 Thomas Britton,
- 3 Valentine Upp,
- 4 Richard Downing, jun.
- 5 James Clemson,
- 6 John Hopkins,
- 7 Henry Dering,
- 8 James Cunningham,
- 9 Jacob Erb,
- 10 John Miller,
- 11 Joseph Reed,
- 12 John Stewart,
- 13 William Godfrey,
- 14 Thomas Kennedy,

N A Y S.

- 15 David Mitchell,
- 16 Anthony Lerch, jun.
- 17 John Moore,
- 18 Herman Husband,
- 19 James Barr,
- 20 James Allison,
- 21 Alexander Wright,
- 22 James Marshall,
- 23 John Gilcbreest,
- 24 James Finley,
- 25 James Johnston,
- 26 John Rhea,
- 27 Obadiab Gore,
- 28 John Harris.

So it was carried in the affirmative: Whereupon,

Ordered, That Mr. Rawle, Mr. Maclay and Mr. Carson be a committee, to bring in a bill conformably to the said resolution.

A letter from *Sharp Delany*, Esquire, containing remarks on the letter from the Comptroller-General dated the 17th instant, was read, together with its enclosure, and

Ordered to lie on the table.

A letter from the Comptroller-General, dated this day, was read, and

Ordered to lie on the table.

The bill, entituled “ *An Additional Supplement to the several acts of Assembly respecting public auctions and auctioneers,*” was read the third time, and considered by paragraphs.

Ordered, That it be engrossed, for the purpose of being enacted into a law.

The report on the petitions for a division of the county of *Dauphin*, read *March* 13th, was read the second time.

A motion was made by Mr. Rawle, seconded by Mr. Miley,

To postpone the consideration of the said report.

Which was carried in the negative.

And the resolution contained therein being under consideration, *viz.*

Resolved, That the prayer of the petitions of a number of the inhabitants of the eastern parts of the county of *Dauphin*, and of the petition of a number of the inhabitants of the north-western part of the county of *Berks*, cannot at this time be granted.

It was moved by Mr. Carson, seconded by Mr. Maclay,

To add the following words to the said resolution, *viz.* “ *And that the petitioners have leave to withdraw their petitions.*”

On the question,—“ *Will the House agree to the amendment?*”

It was carried in the affirmative; and the resolution, with the amendment, adopted.

Adjourned until ten o'clock to-morrow, A. M.

Friday,

Friday, March 19, 1790. A. M.

The House met pursuant to adjournment.

A petition from the Trustees, Elders and Deacons of the Reformed German congregation of the borough of Reading was read, setting forth, that they have at a considerable expence erected a church, school-house and parsonage-house, within the said borough; that notwithstanding their utmost exertions to discharge the debts unavoidably contracted in erecting the said buildings, they find themselves considerably in arrear; therefore praying leave to bring in a bill, authorising them to raise, by way of lottery, a sum of money sufficient to discharge the said arrearages.

Ordered to lie on the table.

The committee appointed for the purpose reported a bill, entituled "*An Act to reduce the tax upon writs issued out of the County Court of Common Pleas of Philadelphia county, during the time therein limited,*" which was read the first time, and

Ordered to lie on the table.

On motion,

Ordered, That Mr. Reed have leave of absence for the remainder of the session.

Agreeably to the order of the day, the report of the committee, to whom were referred all the papers on the files of the General Assembly, respecting the claims to lands in the county of Luzerne, was read the second time.

A motion was made by Mr. Lewis, seconded by Mr. Rawle,

To postpone the consideration of the said report, in order to introduce a motion.

Which was carried in the affirmative.

Mr. Lewis then read his motion; and being seconded by Mr. Ashmead, the same was presented to the chair, and read, as follows, viz.

Whereas a letter hath been sent to this House by John Nicholson, Esquire, containing indecent and injurious reflections upon the character and conduct of Conrad Ibrrie, junior, Esquire, a member of this House, in relation to his duty as a Representative of the people, in breach of the privileges of this House, and in high contempt of the Legislature of this state: And whereas the said John Nicholson, Esquire, hath since caused the said letter to be printed and published:

Resolved, That the said John Nicholson, Esquire, do attend at the bar of this House on Monday next, to answer for his conduct herein.

Mr. Kennedy then called for a division of the question, viz.

To take the questions on the preamble and resolutions, severally.

And Mr. Speaker requesting the opinion of the House,—"*Whether a division of the said motion was in order?*"

It was carried in the negative.

A motion was then made by Mr. Maclay, seconded by Mr. Harris,

To postpone the consideration of the said motion of Mr. Lewis, seconded by Mr. Rawle, in order to take the question,—"*Whether stating facts are to be considered as a breach of privilege?*"

Which was carried in the negative.

The motion made by Mr. Lewis, seconded by Mr. Rawle, recurring,

On

On the question,— “ *Will the House agree to the same?*”—the Yeas and Nays being called by Mr. *Kennedy* and Mr. *Lewis*, were as follow, viz.

Y E A S.

- 1 *Lawrence Sickie,*
- 2 *Jacob Hiltzheimer,*
- 3 *William Lewis,*
- 4 *William Rawle,*
- 5 *Francis Gurney,*
- 6 *Samuel Ashmead,*
- 7 *Thomas Paul,*
- 8 *Thomas Britton,*
- 9 *Valentine Upp,*
- 10 *John Chapman,*
- 11 *James Bryan,*
- 12 *Richard Thomas,*
- 13 *Richard Downing, jun.*
- 14 *James Clemson,*
- 15 *John Hopkins,*
- 16 *Henry Dering,*
- 17 *James Cunningham,*
- 18 *Jacob Erb,*

N A Y S.

- 1 *Elias Boys,*
- 2 *Joseph Reed,*
- 3 *Thomas Kennedy,*
- 4 *David Mitchell,*
- 5 *Jonathan Hoge,*
- 6 *John Ludwig,*
- 7 *Nicholas Lutz,*
- 8 *Daniel Leinbach,*
- 9 *Anthony Lerch, jun.*
- 10 *John Moore,*
- 11 *Herman Husband,*
- 12 *Samuel Maclay,*

Y E A S.

- 19 *John Miller,*
- 20 *Thomas Clingan,*
- 21 *Jacob Schmyser,*
- 22 *John Stewart,*
- 23 *Thomas Lilley,*
- 24 *William Godfrey,*
- 25 *Peter Ealer,*
- 26 *John White,*
- 27 *Jacob Reiff,*
- 28 *Jonathan Roberts,*
- 29 *Benjamin Markley,*
- 30 *James Vaux,*
- 31 *John Carson,*
- 32 *James M'Creight,*
- 33 *Obadiab Gore,*
- 34 *David Stewart,*
- 35 *Hugh Lloyd,*
- 36 *Richard Riley.*

N A Y S.

- 13 *John Baird,*
- 14 *James Barr,*
- 15 *James Allison,*
- 16 *Alexander Wright,*
- 17 *James Marshall,*
- 18 *John Gilchreest,*
- 19 *James Finley,*
- 20 *James Johnston,*
- 21 *John Rhea,*
- 22 *John Newil,*
- 23 *John Harris.*

So it was carried in the affirmative.

Conrad Ibrie, Esquire, a member of this House, in his place, gave information, that he had been arrested this morning by *Adam Stricker*, on a warrant from *George Bryan*, Esquire, one of the Judges of the Supreme Court of this state, a copy whereof he read, as follows, viz

PENNSYLVANIA, ff.

To the Sheriff of the county of Philadelphia.

WHEREAS complaint is made to me, verified on oath, that *Conrad Ibrie*, Esquire, the younger, of *Northampton* county, did this day threaten, that if the House of Assembly should not do as he expected respecting *John Nicholson*, Esquire, of the city of *Philadelphia*, he would take satisfaction out of the said *John's* skin, meaning, as it is apprehended, that he

he would beat the said *John*: And whereas the said *John* hath, on his oath, declared, that he feareth that the said *Conrad* may execute his said threats; thereupon craveth surety of the peace against the said *Conrad*. These are therefore to authorise and require you to take and bring the said *Conrad* before me, to give surety of the peace, if need be, in the premises. Dated the eighteenth day of *March*, *Anno Domini* 1790.

G. B R Y A N.

Whereupon, on motion of Mr. *Lewis*, seconded by Mr. *Downing*,
Resolved, That the Sergeant-at-Arms do bring before this House, to-morrow morning, *Adam Stricker*, who this day arrested *Conrad Ibrie*, junior, Esquire, by virtue of a warrant from *George Bryan*, Esquire, one of the Judges of the Supreme Court.

The order of the day then recurring,

On motion,

Adjourned until ten o'clock to-morrow, A. M.

Saturday, March 20, 1790. A. M.

The House met pursuant to adjournment.

A letter from the President of the Supreme Executive Council was presented to the chair, and read, as follows, *viz.*

I N C O U N C I L, *Philadelphia, March 19th, 1790.*

S I R,

I HAVE the honor to transmit to you, to be laid before the General Assembly, a letter from his Excellency Governor *Martin*, and a copy of a resolution of the Convention of the State of *North-Carolina*, with several amendments, by them proposed to become part of the constitution for the future government of the United States.

I have the honor to be,

With great respect,

S I R,

Your most obedient and most humble servant,

THOMAS MIFFLIN.

Honorable RICHARD PETERS, *Esquire*,
Speaker of the General Assembly.

And the enclosures were also read.

Ordered to lie on the table.

A letter from the Honorable *George Bryan*, Esquire, one of the Justices of the Supreme Court of this commonwealth, was presented to the chair, and read, with a copy of his warrant inclosed, informing the House, that on the application of *John Nicholson*, Esquire, Comptroller-General, he issued a warrant, directed to the Sheriff of the county of *Philadelphia*, authorising and requiring him to take and bring before him the body of *Conrad Ibrie*,

Ibrie, jun. Esq; of the county of *Northampton*, to find surety of the peace, if need be, as to the said *John Nicholson*, Esquire.

Ordered to lie on the table.

A letter from the Comptroller-General was read, stating, that he has been served with a copy of the resolution passed yesterday, commanding his attendance at the bar of this House on *Monday* next, and requesting he may be heard by Counsel learned in the law; and on motion, and by special order, the same was read the second time: Whereupon

Ordered, That his request be granted.

The Sergeant-at-Arms informed the House, that he had, in obedience to their order, the body of *Adam Stricker* in his custody, ready to produce.

Ordered, That *Adam Stricker* be set to the bar of the House.

Which was accordingly done.

The prisoner requested leave to present a petition, praying to be heard by Counsel learned in the law; and having obtained leave, presented the same to the chair, as likewise the original warrant, under the hand and seal of the Honorable *George Bryan*, Esq; which were severally read; and on motion, and by special order, the said petition was read the second time: Whereupon,

On motion of Mr. *Rawle*, seconded by Mr. *Kennedy*,

Ordered, That the prayer of the petitioner be granted, and that *Adam Stricker* be brought to the bar on *Tuesday* next, in the afternoon; and that he now have leave to withdraw, remaining in custody of the Sergeant-at-Arms in the mean time.

A motion was made by Mr. *Rawle*, seconded by Mr. *Kennedy*,

To postpone the order of the day, in order to resume the consideration of the report on the letters from the Register-General and Comptroller-General, postponed *March* 16th.

Which was carried in the affirmative.

And the said report being under consideration,

A motion was made by Mr. *Rawle*, seconded by Mr. *Gurney*,

To postpone the consideration of the said report, in order to introduce the following resolution in lieu thereof, viz.

Resolved, That a committee be appointed, to confer with the Supreme Executive Council relative to the subjects contained in the letter from the Register-General of the 16th of *February*, and the letters from the Comptroller-General of the 16th and 20th of *February*, and 4th of *March*.

On the question,—“ Will the House agree to the postponement, for the afore-said purpose?”

It was carried in the affirmative, and the resolution adopted.

Ordered, That Mr. *Rawle*, Mr. *Thomas*, Mr. *Clingan*, Mr. *Hoge* and Mr. *Lloyd* be a committee, for the purpose contained in the said resolution.

The order of the day recurring, viz. the second reading of the report of the committee, read *March* 15th, respecting the claims to lands in the county of *Luzerne*;

On the question,—“ Will the House agree to the following resolution?” viz.

Resolved, That a committee be appointed to bring in a bill, to repeal the act, entitled “ *An Act for ascertaining and confirming to certain persons, called Connecticut Claimants, the lands by them claimed within the county of Luzerne, and for other purposes therein mentioned;*”

The Yeas and Nays being called by Mr. *Mitchell* and Mr. *Rhea*, were as follow, viz.

Y E A S.

Y E A S.

- 1 Francis Gurney,
- 2 Thomas Paul,
- 3 Thomas Britton,
- 4 Elias Boys,
- 5 Gerardus Wynkoop,
- 6 Valentine Upp,
- 7 John Chapman,
- 8 James Bryan,
- 9 John M^cDowell,
- 10 James Clemson,
- 11 James Cunningham,
- 12 Jacob Erb,
- 13 Jacob Schmyser,
- 14 John Stewart,
- 15 Thomas Lilley,
- 16 William Godfrey,
- 17 Thomas Kennedy,
- 18 David Mitchell,
- 19 Jonathan Hoge,
- 20 John Ludwig,
- 21 Nicholas Lutz,
- 22 Daniel Leinbach,
- 23 Peter Ealer,
- 24 Conrad Ibrie, jun.

N A Y S.

- 1 Lawrence Sickle,
- 2 Jacob Hiltzheimer,
- 3 William Rawle,
- 4 Samuel Ashmead,
- 5 Richard Thomas,
- 6 Richard Downing, jun.

Y E A S.

- 25 Anthony Lerch, jun.
- 26 John Moore,
- 27 Samuel Maclay,
- 28 John White,
- 29 John Baird,
- 30 James Barr,
- 31 James Allison,
- 32 Alexander Wright,
- 33 James Marshall,
- 34 John Gilcbreest,
- 35 James Finley,
- 36 James Johnson,
- 37 John Rhea,
- 38 Jacob Reiff,
- 39 Benjamin Markley,
- 40 James Vaux,
- 41 Jacob Miley,
- 42 John Carson,
- 43 James M^cCreight,
- 44 David Stewart,
- 45 John Harris,
- 46 Hugh Lloyd,
- 47 Richard Riley.

N A Y S.

- 7 Henry Dering,
- 8 John Miller,
- 9 Herman Husband,
- 10 Jonathan Roberts,
- 11 Obadiab Gore,
- 12 John Nevil.

So it was carried in the affirmative.

Ordered, That Mr. M^cDowell, Mr. Kennedy and Mr. Maclay be a committee, to bring in a bill conformably to the foregoing resolution.

On motion of Mr. Vaux, seconded by Mr. Paul,

Ordered, That not more than two Counsel be heard before this House in behalf of John Nicholson, Esquire, on Monday next.

Adjourned until three o'clock on Monday next, P. M.

Monday, March 22, 1790. P. M.

The House met pursuant to adjournment.

Agreeably to the resolution passed March 19th, John Nicholson, Esquire, attended at the bar of this House, to answer for his conduct in writing a letter, directed to the Speaker, containing indecent and injurious reflections upon

upon the character and conduct of *Conrad Ibrie*, junior, Esquire, a member of this House, in relation to his duty as a Representative of the people; and he being called upon to answer whether he was ready to proceed in his defence, named Mr. *Ingersol* and Mr. *Sergeant* as his Counsel.

Mr. *Ingersol* then proceeded to speak to the subject matter before the House;

And after some time spent in hearing Counsel,

On motion,

Ordered, That *John Nicholson*, Esquire, have leave to withdraw, and that he be directed to attend at the bar of this House to-morrow, at three o'clock in the afternoon.

Adjourned until ten o'clock to-morrow, A. M.

Tuesday, March 23, 1790. A. M.

The House met pursuant to adjournment.

A petition from *Blackall William Ball*, late a lieutenant in the line of this state, in the service of the United States, was read, setting forth, that he hath lost the certificate given to him for the depreciation due on his pay, and praying the House to direct payment of the interest already due, as well as to enable him to receive the interest from time to time, as the same may hereafter become due.

Ordered to lie on the table.

A petition from a number of the inhabitants of *Potter's* and *Bald-Eagle* townships, in the county of *Mifflin*, was read, praying they may be re-annexed to the county of *Northumberland*.

Ordered to lie on the table.

Petitions from a number of the inhabitants of *Potter's* and *Upper Bald-Eagle* townships, in the county of *Mifflin*, were read, praying they may not be re-annexed to the county of *Northumberland*.

Ordered to lie on the table.

The committee appointed *March* 9th, on the memorial of a number of the inhabitants of the county of *Cumberland*, made report, which was read, as follows, viz.

The committee, to whom was referred the memorial of a number of the inhabitants of the county of *Cumberland*, praying the aid of this Assembly in establishing a cotton manufactory in the county aforesaid, report—

That your committee, sensible of the laudable designs and exertions of the memorialists to encourage and promote the wealth and prosperity of the commonwealth, by establishing and extending useful manufactures in the western parts of the state, do highly approve thereof; yet, notwithstanding the apparent usefulness of such undertakings, and that a similar institution has met with the approbation and assistance of the Legislature heretofore, your committee are under the necessity to declare, that, from the present situation of the finances of the state, they are of opinion that no aid can at this time be granted to the memorialists, for the purposes aforesaid, and beg leave to submit the following resolution, viz.

Resolved, That the memorial of the subscribers to a plan for erecting a manufactory of cotton in the county of *Cumberland*, praying for the aid of the Legislature, cannot at this time be granted.

Ordered to lie on the table.

The

The committee appointed for the purpose reported a bill, entitled "*An Act to repeal an act, entitled 'An Act for ascertaining and confirming to certain persons, called Connecticut Claimants, the lands by them claimed within the county of Luzerne, and for other purposes therein mentioned,'*" which was read the first time, and

Ordered to lie on the table.

The committee appointed for the purpose reported a bill, entitled "*An Act to enforce the due collection of the revenues of this state, and for other purposes therein mentioned,*" which was read the first time, and

Ordered to lie on the table.

On motion,

Ordered, That the committee appointed *March 6th*, to take into their consideration the present state of the funds arising from militia fines in the several counties in this state, and to confer with the Supreme Executive Council relative to the manner in which the act, entitled "*An Act to establish a board of appeal within the several counties of this state, and to grant exonerations in cases of militia fines,*" has been carried into execution, be discharged: Whereupon

Mr. Gurney, in his place, read a bill, entitled "*A Supplement to an act, entitled 'An Act to establish a board of appeal within the several counties of this state, and to grant exonerations in cases of militia fines, enacted the twenty-seventh day of March, one thousand seven hundred and eighty-nine,'*" and, having obtained leave for the purpose, presented the same to the chair, when it was read the first time, and

Ordered to lie on the table.

The petition of *Daniel Rees*, read *March 18th*, was read the second time.

Ordered, That it be referred to Mr. Wynkoop, Mr. Lilley and Mr. Maclay, to report thereon.

The memorial of the members of the *Hebrew* congregation of the city of *Philadelphia*, read *March 16th*, was read the second time.

Ordered, That Mr. Sickle, Mr. Britton and Mr. Hoge be a committee, to report thereon.

The report on the petitions of a number of the inhabitants of the county of *York*, for and against a division of said county, read *March 5th*, was read the second time: Whereupon

It was moved by Mr. Clingan, seconded by Mr. Kennedy,

To postpone the consideration of the said report, in order to introduce the following motion, as a substitute, *viz.*

Whereas a respectable number of the inhabitants of the western part of *York* county have, by their petition to this Assembly, set forth, that they labour under very considerable difficulties and inconveniences, in consequence of their being obliged to attend at *York-Town* as their seat of justice, owing to the great distance many of them are from it, and the crowded situation of the docket, whereby they are much diffculted to obtain justice, &c. and praying that they may be erected into a new and separate county: And as it appears just and reasonable that the prayer of the said petitions should be granted: Therefore

Resolved, That a committee be appointed to bring in a bill, to be enacted into a law, to erect that part of *York* county included within the following lines into a separate county; beginning on the line of *Cumberland* county, where the road leading from *Carlisle* across *Dill's Gap* intersects the said line;

thence a straight course to the *Conewago creek*, opposite the mouth of *Abbot's run*; thence along said run, so long as it continues the division line between *Paradise* and *Berwick* townships; thence along the line of *Berwick*, until it strikes the line of *Heidleberg* township; thence southward, so as to exclude *Hanover-Town*, to the line dividing *York* county from *Maryland*; thence west, along said line, to the *Franklin* county line; thence along the said line, to the line of *Cumberland* county, and along the same to the place of beginning.

On the question,—“*Will the House agree to the postponement, for the afore-said purpose?*”—The Yeas and Nays being called by Mr. *Clingan* and Mr. *Lilley*, were as follow, viz.

Y E A S.

- 1 *Lawrence Sickles*,
- 2 *William Rawle*,
- 3 *Thomas Paul*,
- 4 *Thomas Britton*,
- 5 *Elias Boys*,
- 6 *James Bryan*,
- 7 *John M'Dowell*,
- 8 *Henry Dering*,
- 9 *James Cunningham*,
- 10 *Thomas Clingan*,
- 11 *Thomas Kennedy*,
- 12 *David Mitchell*,
- 13 *Jonathan Hoge*,
- 14 *John Moore*,
- 15 *Herman Husband*,
- 16 *Samuel Macclay*,
- 17 *John Baird*,

N A Y S.

- 1 *Jacob Hiltzheimer*,
- 2 *Francis Gurney*,
- 3 *Samuel Ashmead*,
- 4 *Gerardus Wynkoop*,
- 5 *Valentine Upp*,
- 6 *John Chapman*,
- 7 *Richard Thomas*,
- 8 *Richard Downing, jun.*
- 9 *James Clemson*,
- 10 *Jacob Erb*,
- 11 *John Miller*,
- 12 *Jacob Schmyser*,
- 13 *John Stewart*,

Y E A S.

- 18 *James Barr*,
- 19 *James Allison*,
- 20 *Alexander Wright*,
- 21 *Thomas Ryerson*,
- 22 *James Marshall*,
- 23 *John Gilcbreest*,
- 24 *James Finley*,
- 25 *James Johnston*,
- 26 *John Rhea*,
- 27 *Jacob Miley*,
- 28 *James M'Creight*,
- 29 *Obadiab Gore*,
- 30 *David Stewart*,
- 31 *John Nevil*,
- 32 *John Harris*,
- 33 *Hugh Lloyd*,
- 34 *Richard Riley*.

N A Y S.

- 14 *Thomas Lilley*,
- 15 *William Godfrey*,
- 16 *John Ludwig*,
- 17 *Nicholas Lutz*,
- 18 *Daniel Leinbach*,
- 19 *Peter Ealer*,
- 20 *Conrad Ibrie, jun.*
- 21 *Anthony Lerch, jun.*
- 22 *Jacob Reiff*,
- 23 *Jonathan Roberts*,
- 24 *Benjamin Markley*,
- 25 *James Vaux*.

So it was carried in the affirmative: Whereupon

Ordered, That the consideration of the said motion be postponed.

The report on the petition of *George Ingels*, read *March 16th*, was read the second time: Whereupon

Resolved,

Resolved, That a committee be appointed to bring in a bill, to amend the several acts of Assembly relative to the inspection of staves, heading, boards and lumber.

Ordered, That the city members be a committee, to bring in a bill conformably to the foregoing resolution.

The bill, entitled "*An Act to authorise the sale of the barracks in the borough of Lancaster*," was read the third time, and in part considered by paragraphs.

Ordered, That the further consideration thereof be postponed.

The bill, entitled "*A further Supplement to the act, entitled 'An Act to incorporate the city of Philadelphia'*," was read the second time, and considered by paragraphs.

Ordered, That it be transcribed for a third reading, and forthwith published for consideration.

The bill, entitled "*An Act to make provision for the repairs of Mud-Island*," was read the second time, and considered by paragraphs.

Ordered, That it be transcribed for a third reading, and forthwith published for consideration.

The House resumed the consideration of the bill, entitled "*An Act for the relief of John Lytle, John Webb and William Murray*;" and having fully considered the same by paragraphs,

Ordered, That it be engrossed, for the purpose of being enacted into a law.

Adjourned until three o'clock, P. M.

Eodem Die. P. M.

The House met pursuant to adjournment.

The Sergeant-at-Arms attending at the bar with *Adam Stricker*, agreeably to the order of this House, *March* 20th,

On motion of Mr. *Lewis*, seconded by Mr. *Carson*,

Ordered, That *Adam Stricker* be brought to the bar on *Thursday* next, in the afternoon, and that he remain in custody of the Sergeant-at-Arms in the mean time.

Agreeably to the order of yesterday, *John Nicholson*, Esquire, attended at the bar, and his Counsel being directed to proceed in their arguments in his defence;

After some time spent in hearing their arguments,

The Counsel in behalf of *John Nicholson*, Esquire, requested, that he be permitted to shew that the remaining part of the paragraph contained in his letter to the House of the 16th day of *March* is strictly true, in asserting that the member (*Conrad Ibrie*, junior, Esquire,) had become the inveterate enemy of the said *John Nicholson*, and that the cause of that enmity was the one assigned in that letter.

On the question,—"*Will the House hear the Counsel on the said subject?*"—the Yeas and Nays being called by Mr. *Lewis*, seconded by Mr. *Boys*, were as follow, viz.

Y E A S.

- 1 *Elias Boys*,
- 2 *Valentine Upp*,
- 3 *James Cunningham*,

Y E A S.

- 4 *Thomas Kennedy*,
- 5 *David Mitchell*,
- 6 *Jonathan Hoge*,

Y E A S.

Y E A S.

- 7 *John Ludwig,*
- 8 *Nicholas Lutz,*
- 9 *Daniel Leinbach,*
- 10 *Anthony Lerch, jun.*
- 11 *John Moore,*
- 12 *Herman Husband,*
- 13 *Samuel Maclay,*
- 14 *John Baird,*
- 15 *James Barr,*
- 16 *James Allison,*

Y E A S.

- 17 *Alexander Wright,*
- 18 *James Marshall,*
- 19 *John Gilcbreest,*
- 20 *James Finley,*
- 21 *James Johnston,*
- 22 *John Rhea,*
- 23 *Jacob Miley,*
- 24 *James M'Creight,*
- 25 *Obadiab Gore,*
- 26 *John Nevil.*

N A Y S.

- 1 *Lawrence Sickle,*
- 2 *Jacob Hiltzheimer,*
- 3 *William Lewis,*
- 4 *William Rawle,*
- 5 *Francis Gurney,*
- 6 *Samuel Ashmead,*
- 7 *Thomas Paul,*
- 8 *Thomas Britton,*
- 9 *Gerardus Wynkoop,*
- 10 *John Chapman,*
- 11 *James Bryan,*
- 12 *Richard Thoms,*
- 13 *Richard Downing, jun.*
- 14 *John M'Dowell,*
- 15 *James Clemson,*
- 16 *Henry Dering,*
- 17 *Jacob Erb,*

N A Y S.

- 18 *John Miller,*
- 19 *Thomas Clingan,*
- 20 *Jacob Schmyser,*
- 21 *John Stewart,*
- 22 *Thomas Lilley,*
- 23 *William Godfrey,*
- 24 *Peter Ealer,*
- 25 *John White,*
- 26 *Thomas Ryerson,*
- 27 *Jacob Reiff,*
- 28 *Jonathan Roberts,*
- 29 *Benjamin Markley,*
- 30 *James Vaux,*
- 31 *John Carson,*
- 32 *David Stewart,*
- 33 *Hugh Lloyd,*
- 34 *Richard Riley.*

So it was carried in the negative.

After some time the Counsel in behalf of *John Nicholson*, Esquire, concluded: Whereupon,

On motion,

Ordered, That *Friday* next be assigned for the further consideration of the subject matter before the House.

Ordered, That *John Nicholson*, Esquire, have leave to withdraw, and that he be directed to attend at the bar of the House on *Friday* next.

Adjourned until ten o'clock to-morrow, A. M.

Wednesday, March 24, 1790. A. M.

The House met pursuant to adjournment.

A letter from His Excellency the President of the Supreme Executive Council was presented to the chair, and read, as follows, viz.

IN COUN-

IN COUNCIL, Philadelphia, March 22d, 1790.

S I R,

I HAVE the honor to transmit to you, for the information of the General Assembly, a letter from His Excellency the President of the United States, respecting the mischiefs which have been done for several years past in the county of *Washington*, in this state.

I have the honor to be,

With the greatest respect,

Your most obedient and most humble servant,

THOMAS MIFFLIN.

Honorable RICHARD PETERS, Esquire,
Speaker of the General Assembly.

And the enclosure was also read.

Ordered to lie on the table.

Petitions from a number of the inhabitants of *Bucks* county were read, praying they may be exonerated from the payment of quit-rents, so far as they relate to the Proprietary tenths or manors.

Ordered to lie on the table.

The committee appointed for the purpose reported a bill, entitled "*An Act in favour of John Churchman*," which was read the first time, and

Ordered to lie on the table.

The petition of the Trustees, Elders and Deacons of the Reformed *German* Congregation in the borough of *Reading*, in the county of *Berks*, read *March* 19th, was read the second time.

Ordered, That it be referred to Mr. *Chapman*, Mr. *Hoge* and Mr. *Lutz*, to report thereon.

The bill, entitled "*An Act for altering a certain clause in the charter of the corporation for the relief of the widows and children of Clergymen of the Protestant Episcopal church in the United States of America*," was read the third time, and considered by paragraphs.

Ordered, That it be engrossed, for the purpose of being enacted into a law.

The petition of the members of the religious society called *Seventh-day Baptists*, and others on their behalf, read *March* 16th, was read the second time.

Ordered, That it be referred to Mr. *Clingan*, Mr. *Marshall* and Mr. *Riley*, to report thereon.

The petition of *Blackall William Ball*, read yesterday, was read the second time.

Ordered, That it be referred to Mr. *Gurney*, Mr. *Maclay* and Mr. *Lloyd*, to report thereon.

The bill, entitled "*An Act for compensating Laughlin M'Cartney, and others therein mentioned, for supplies by them furnished the civil officers of Northumberland county in the year one thousand seven hundred and seventy-five*," was read the third time, and considered by paragraphs.

Ordered, That it be engrossed, for the purpose of being enacted into a law.

The bill, entitled “ *An Act to reduce the tax upon writs issued out of the County Court of Common Pleas of Philadelphia county, during the time therein limited*, was read the second time, and considered by paragraphs.

Ordered, That it be transcribed for a third reading, and forthwith published for consideration.

The bill, entitled “ *An Act for further enlarging the time limited by the act, entitled “ An Act for facilitating the redemption of the bills of credit emitted in the year one thousand seven hundred and eighty-one, and for redeeming part of the funded debt of this state, for extending the time for patenting lands which were located before the declaration of independence, and for giving a right of pre-emption to actual settlers for procuring warrants for the lands by them occupied,*” was read the third time, and in part considered by paragraphs.

Ordered, That the further consideration thereof be postponed.

The report of the committee on the petitions of 895 inhabitants of the county of *Mifflin*, &c. read *March* 15th, was read the second time.

Ordered, That the further consideration thereof be postponed.

The petitions of a number of the inhabitants of *Potter's* and *Bald-Eagle* townships, in the county of *Mifflin*, read yesterday, were read the second time.

Ordered, That they be referred to Mr. *Chapman*, Mr. *Cunningham*, Mr. *Carson*, Mr. *Harris* and Mr. *Lloyd*, to report thereon.

The petition of a number of the inhabitants of *Potter's* and *Upper Bald-Eagle* townships, in the county of *Mifflin*, read yesterday, was read the second time.

Ordered, That it be referred to the last named committee, to report thereon.

A motion was made by Mr. *Rawle*, seconded by Mr. *Downing*, and adopted, as follows, *viz.*

Whereas there appears to be a considerable difference between the statement exhibited to a late House of Assembly by the Comptroller-General of this state, on the 4th day of *November*, 1788, and the statement exhibited to this House by the Register-General on the 30th day of *September*, 1789, relative to certain bills of credit emitted by virtue of an act of Assembly enacted the first day of *June*, 1780, and an act of Assembly enacted the seventh day of *April*, 1781:

Resolved, That the committee of accounts be directed to enquire what number and amount of the said bills remain unredeemed, and report specially thereon to this House.

On motion,

Ordered, That Mr. *Ealer* be added to the committee appointed *February* 12th, on that part of the message of Council which respects the navigation of the rivers *Delaware*, *Schuylkill* and *Susquehanna*.

Adjourned until three o'clock, P. M.

Eodem Die. P. M.

The House met pursuant to adjournment.

A petition from *William Buckley* and *Richard Wells* was read, remonstrating against the act, entitled “ *An Act for the inspection of shingles,*” and praying

ing the same may be revised, so far as respects the vending of shingles which they now have on hand.

Ordered to lie on the table.

The bill, entitled "*An Act to reform the penal laws of this state*," was read the second time, and considered by paragraphs.

Ordered, That it be transcribed for a third reading, and forthwith published for consideration.

The House resumed the consideration of the bill, entitled "*An Act to authorise the sale of the barracks in the borough of Lancaster, and the lot or lots on which they are erected, and for other purposes therein mentioned*;" and having fully considered the same by paragraphs,

Ordered, That it be engrossed, for the purpose of being enacted into a law.

Adjourned until ten o'clock to-morrow, A. M.

Thursday, March 25, 1790. A. M.

The House met pursuant to adjournment.

A petition from divers inhabitants of the county of *Dauphin* was read, praying a sum of money may be granted to repair the road leading from *Grubb's* old furnace to his forge.

Ordered to lie on the table.

A letter from *Sharp Delany*, Esq; late Collector of the customs of this state, was presented to the chair, and read, stating, that the letter from the Comptroller-General of the 15th instant, charging him with being "*much in arrear with his accounts*," is erroneous; and requesting this House to direct the committee of accounts, or any other committee they may think proper to appoint, to hear him and the Comptroller-General on the said subject; and on motion, and by special order, the same was read the second time.

A motion was made by Mr. Gurney, seconded by Mr. Wynkoop,

To refer the said letter, together with the letter from the Comptroller-General, to the committee of accounts.

On the question,—"*Shall the said letters be referred to the committee of accounts?*"

It was carried in the negative.

The report on the petitions of a number of the inhabitants of *Bedford* county, read *March 17th*, was read the second time: Whereupon

Resolved, That the petitioners of the county of *Bedford*, praying for an exoneration from militia fines, have leave to withdraw their petitions.

The House resumed the consideration of the motion made *March 23d*, by Mr. Clingan, seconded by Mr. Kennedy, respecting a division of the county of *York*.

A motion was then made by Mr. Rawle, seconded by Mr. Lloyd,

To postpone the said motion, in order to introduce the following resolution, viz.

Resolved, That the consideration of the motion before the House be postponed, and that the Clerk of this House cause a copy of the resolution proposed in the said motion to be printed, for the space of two months, successively, in the news-paper published in the borough of *York*, and also in the news-paper published in the borough of *Carlisle*; to the end that the people

people interested therein may be notified thereof, and give to the House the necessary information on the subject, at their next session.

On the question,—“ *Will the House agree to the postponement, for the afore-said purpose?* ”

It was carried in the negative.

The resolution contained in the motion made by Mr. *Clingan*, seconded by Mr. *Kennedy*, being then under consideration, viz.

Resolved, That a committee be appointed to bring in a bill, to be enacted into a law, to erect that part of *York* county included within the following lines into a separate county; beginning on the line of *Cumberland* county, where the road leading from *Carlisle* across *Dill's Gap* intersects the said line; thence a straight course to the *Conewago creek*, opposite the mouth of *Abbot's run*; thence along said run, so long as it continues the division line between *Paradise* and *Berwick* townships; thence along the line of *Berwick*, until it strikes the line of *Heidleberg* township; thence southward, so as to exclude *Hanover-Town*, to the line dividing *York* county from *Maryland*; thence west, along said line, to the *Franklin* county line; thence along the said line to the line of *Cumberland* county, and along the same to the place of beginning.

On the question, —“ *Will the House agree to the same?* ”—The Yeas and Nays being called by Mr. *Lilley* and Mr. *Clingan*, were as follow, viz.

Y E A S.

- 1 *Lawrence Sickle,*
- 2 *William Rawle,*
- 3 *Thomas Britton,*
- 4 *Elias Boys,*
- 5 *James Bryan,*
- 6 *John M'Dowell,*
- 7 *Henry Dering,*
- 8 *James Cunningham,*
- 9 *Thomas Clingan,*
- 10 *Thomas Kennedy,*
- 11 *David Mitchell,*
- 12 *Jonathan Hoge,*
- 13 *John Moore,*
- 14 *Herman Husband,*
- 15 *Samuel Maclay,*
- 16 *John Baird,*

N A Y S.

- 1 *Jacob Hiltzheimer,*
- 2 *Francis Gurney,*
- 3 *Samuel Ashmead,*
- 4 *Thomas Paul,*
- 5 *Gerardus Wynkoop,*
- 6 *Valentine Upp,*
- 7 *John Chapman,*
- 8 *Richard Thomas,*
- 9 *Richard Downing, jun.*
- 10 *James Clemson,*
- 11 *Jacob Erb,*

Y E A S.

- 17 *James Barr,*
- 18 *James Allison,*
- 19 *Alexander Wright,*
- 20 *Thomas Ryerson,*
- 21 *James Marshall,*
- 22 *John Gilcbreest,*
- 23 *James Finley,*
- 24 *James Johnston,*
- 25 *John Rhea,*
- 26 *Jacob Miley,*
- 27 *James M'Creight,*
- 28 *David Stewart,*
- 29 *John Nevil,*
- 30 *John Harris,*
- 31 *Hugh Lloyd,*
- 32 *Richard Riley.*

N A Y S.

- 12 *John Miller,*
- 13 *Jacob Schmyser,*
- 14 *John Stewart,*
- 15 *Thomas Lilley,*
- 16 *William Godfrey,*
- 17 *John Ludwig,*
- 18 *Nicholas Lutz,*
- 19 *Daniel Leinbach,*
- 20 *Peter Ealer,*
- 21 *Conrad Ibrie, jun.*
- 22 *Anthony Lerch, jun.*

N A Y S.

N A Y S.

- 23 *John White,*
- 24 *Jacob Reiff,*
- 25 *Jonathan Roberts,*
- 26 *Benjamin Markley,*

N A Y S.

- 27 *James Vaux,*
- 28 *John Carson,*
- 29 *Obadiab Gore.*

So it was carried in the affirmative, and the resolution adopted.

Ordered, That Mr. *Clingan*, Mr. *J. Stewart* and Mr. *Hoge* be a committee, to bring in a bill conformably to the foregoing resolution.

The bill, entitled "*An Act to repeal an act, entitled 'An Act for ascertaining and confirming to certain persons, called Connecticut Claimants, the lands by them claimed within the county of Luzerne, and for other purposes therein mentioned,'*" was read the second time.

And in considering the following paragraph, *viz.*

Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the commonwealth of *Pennsylvania*, in General Assembly met, and by the authority of the same, That the act, entitled "*An Act for ascertaining and confirming to certain persons, called Connecticut Claimants, the lands by them claimed within the county of Luzerne, and for other purposes therein mentioned,*" be, and the same is hereby repealed; and all proceedings had under said act are hereby rendered void, and declared to be null and of no effect, as if said act had never been enacted, any thing in the same to the contrary notwithstanding.

It was moved by Mr. *Gurney*, seconded by Mr. *Gore*,

To insert, after the word "*That,*" the words "*so much of;*" and after the words "*therein mentioned,*" the following, *viz.* "*as respects lands, the titles to which were derived under warrants or grants to Pennsylvania Claimants, dated before the decree of the court of the United States at Trenton.*"

On the question,—"*Will the House agree to the same?*"

It was carried in the negative.

A motion was then made by Mr. *Maclay*, seconded by Mr. *Mitchell*,

To insert, after the words "*of no effect,*" the following, *viz.* "*and all titles and claims which might be supposed to be affected by said act are hereby re-vested in the former owners, in as full and ample a manner,*"—

On the question,—"*Will the House agree to the said amendment?*"—the Yeas and Nays being called by Mr. *Kennedy* and Mr. *Baird*, were as follow, *viz.*

Y E A S.

- 1 *Francis Gurney,*
- 2 *Thomas Paul,*
- 3 *Thomas Britton,*
- 4 *Elias Boys,*
- 5 *Gerardus Wynkoop,*
- 6 *Valentine Upp,*
- 7 *John Chapman,*
- 8 *James Bryan,*
- 9 *John M'Dowell,*
- 10 *James Clemson,*
- 11 *James Cunningham,*
- 12 *Jacob Erb,*

Y E A S.

- 13 *John Miller,*
- 14 *Thomas Clingan,*
- 15 *Jacob Schmyser,*
- 16 *John Stewart,*
- 17 *Thomas Lilley,*
- 18 *William Godfrey,*
- 19 *Thomas Kennedy,*
- 20 *David Mitchell,*
- 21 *Jonathan Hoge,*
- 22 *John Ludwig,*
- 23 *Nicholas Lutz,*
- 24 *Daniel Leinbach,*

3 I

. Y E A S.

Y E A S.

- 25 Peter Ealer,
- 26 Conrad Ibrie, jun.
- 27 Anthony Lerch, jun.
- 28 John Moore,
- 29 Herman Husband,
- 30 Samuel Maclay,
- 31 John White,
- 32 John Baird,
- 33 James Barr,
- 34 James Allison,
- 35 Alexander Wright,
- 36 James Marshall,

N A Y S.

- 1 Lawrence Sickle,
- 2 Jacob Hiltzheimer,
- 3 William Rawle,
- 4 Samuel Ashmead,
- 5 Richard Thomas,
- 6 Richard Downing, jun.
- 7 Thomas Ryerson,

Y E A S.

- 37 John Gilcbreest,
- 38 James Johnson,
- 39 John Rhea,
- 40 Jacob Reiff,
- 41 James Vaux,
- 42 Jacob Miley,
- 43 John Carson,
- 44 James M'Creight,
- 45 David Stewart,
- 46 John Harris,
- 47 Hugh Lloyd.

N A Y S.

- 8 James Finley,
- 9 Jonathan Roberts,
- 10 Benjamin Markley,
- 11 Obadiab Gore,
- 12 John Nevil,
- 13 Richard Riley.

So it was carried in the affirmative.

And on the question—"Will the House agree to the clause, as amended?"—viz.:

Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the commonwealth of *Pennsylvania*, in General Assembly met, and by the authority of the same, That the act, entitled "*An Act for ascertaining and confirming to certain persons, called Connecticut Claimants, the lands by them claimed within the county of Luzerne, and for other purposes therein mentioned,*" be, and the same is hereby repealed; and all proceedings had under said act are hereby rendered void, and declared to be null and of no effect; and all titles and claims which might be supposed to be affected by said act are hereby re-vested in the former owners, in as full and ample a manner as if said act had never been enacted, any thing in the same to the contrary notwithstanding.

The Yeas and Nays being called by Mr. Gore and Mr. Marshall, were as follow, viz.

Y E A S.

- 1 Francis Gurney,
- 2 Thomas Paul,
- 3 Thomas Britton,
- 4 Elias Boys,
- 5 Gerardus Wynkoop,
- 6 Valentine Upp,
- 7 James Bryan,
- 8 John M'Dowell,
- 9 James Clemson,
- 10 James Cunningham,

Y E A S.

- 11 Jacob Erb,
- 12 John Miller,
- 13 Thomas Clingan,
- 14 Jacob Schmyser,
- 15 John Stewart,
- 16 Thomas Lilley,
- 17 William Godfrey,
- 18 Thomas Kennedy,
- 19 David Mitchell,
- 20 Jonathan Hoge,

Y E A S.

Y E A S.

- 21 John Ludwig,
- 22 Nicholas Lutz,
- 23 Daniel Leinbach,
- 24 Peter Ealer,
- 25 Conrad Ibrie, jun.
- 26 Anthony Lerch, jun.
- 27 John Moore,
- 28 Samuel Maclay,
- 29 John White,
- 30 John Baird,
- 31 James Barr,
- 32 James Allison,
- 33 Alexander Wright,
- 34 Thomas Ryerson,

N A Y S.

- 1 Lawrence Sickle,
- 2 Jacob Hiltzheimer,
- 3 William Rawle,
- 4 Samuel Ashmead,
- 5 Richard Thomas,

Y E A S.

- 35 James Marshall,
- 36 John Gilchbreest,
- 37 James Finley,
- 38 James Johnson,
- 39 John Rhea,
- 40 Jacob Reiff,
- 41 Benjamin Markley,
- 42 James Vaux,
- 43 Jacob Miley,
- 44 John Carson,
- 45 James M'Creight,
- 46 David Stewart,
- 47 John Harris,
- 48 Hugh Lloyd.

N A Y S.

- 6 Richard Downing, jun.
- 7 Jonathan Roberts,
- 8 Obadiab Gore,
- 9 John Nevil,
- 10 Richard Riley.

So it was determined in the affirmative.

And the said bill having been fully considered by paragraphs,

Ordered, That it be transcribed for a third reading, and forthwith published for consideration.

Adjourned until three o'clock, P. M.

Eodem Die. P. M.

The House met pursuant to adjournment.

Agreeably to the order of the House, *Adam Stricker* was brought to the bar by the Sergeant-at-Arms; and being called upon to answer whether he was ready to proceed in his defence, named Mr. *Fisber* and Mr. *Sergeant* as his Counsel.

The House then heard the Counsel in behalf of the prisoner.

A motion was made by Mr. *Rawle*, seconded by Mr. *Vaux*, as follows, viz.

Whereas the Legislature of this state is *constitutionally* invested with all the powers "necessary for the Legislature of a free state, or commonwealth:"

Resolved, That the power of protecting its members from arrests during a session, and in going to and returning from the same, in all cases, except treason, felony, and *breach of the peace*, is necessary for the Legislature of a free state, and is therefore vested in the Legislature of this state.

Resolved, That this House, being invested with such powers in trust only for the benefit of the people represented in the Legislature, and to secure their happiness and safety, ought at no time to prevent the course of public justice, or support any of its members in opposition thereto; and, upon petition

petition from any person aggrieved, *will*, if the case shall so require, grant leave to proceed at law against any such members.

Resolved, That *Conrad Ibrie*, junior, Esquire, a member of this House, having been arrested during the session, not being charged with treason, felony, or a breach of the peace, and without application to this House for leave to proceed against him, be forthwith discharged from such arrest; and that the Speaker of the House do write a letter to the Sheriff of the county of *Philadelphia*, signifying the pleasure of the House in the premises.

Resolved, That *Adam Stricker* be discharged from the custody of the Sergeant-at-Arms. Whereupon

A motion was made by Mr. *Kennedy*, seconded by Mr. *Wright*,
To postpone the consideration of the above resolutions.

On the question,

It was carried in the negative.

A motion was then made by Mr. *Rhea*, seconded by Mr. *Finley*,
To adjourn.

Adjourned until ten o'clock to-morrow, A. M.

Friday, March 26, 1790. A. M.

The House met pursuant to adjournment.

The committee appointed *March 24th*, on the several petitions of the inhabitants of *Potter's* and *Bald-Eagle* townships, in the county of *Mifflin*, made report, which was read, as follows, *viz.*

The committee, to whom were referred the petitions signed by a number of the inhabitants of *Potter's* and *Bald-Eagle* townships, in the county of *Mifflin*, for and against the said townships being re-annexed to *Northumberland* county, report—

That they do not find any thing in the said petitions, that induces them to alter their opinions stated in their late report on the same subject: They therefore submit the following resolution, *viz.*

Resolved, That the petitioners from *Potter's* and *Bald-Eagle* townships, in the county of *Mifflin*, for and against the said townships being re-annexed to *Northumberland* county, have leave to withdraw their petitions.

Ordered to lie on the table.

The committee appointed for the purpose reported a bill, entitled “ *An Act for erecting part of the county of York into a separate county*,” which was read the first time, and

Ordered to lie on the table.

A letter from the Comptroller-General, respecting the accounts of *Conrad Ibrie*, Esq; was read, with sundry enclosures, and

Ordered to lie on the table.

A letter from *Sharp Delany*, Esq; late Collector of the Customs of this state, was read, stating certain contradictory assertions contained in the letter from the Comptroller-General of the 15th instant, charging said *Delany* with being much in arrear with his accounts.

Ordered to lie on the table.

The motion made yesterday by Mr. *Rawle*, seconded by Mr. *Vaux*, recurring, agreeably to order; and the following resolution being under consideration, *viz.*

Resolved,

Resolved, That the power of protecting its members from arrests during a session, and in going to and returning from the same, in all cases, except treason, felony, and *breach of the peace*, is necessary for the Legislature of a free state, and is therefore vested in the Legislature of this state.

A motion was made by Mr. *Finley*, seconded by Mr. *Baird*, to insert, after the word "*breach*," the words "*and surety*."

On the question,—"*Will the House agree to the amendment?*"—the Yeas and Nays being called by Mr. *Gurney* and Mr. *Ryer*son, were as follow, viz.

Y E A S.

- 1 *Elias Boys*,
- 2 *Valentine Upp*,
- 3 *James Cunningham*,
- 4 *Thomas Clingan*,
- 5 *Thomas Kennedy*,
- 6 *David Mitchell*,
- 7 *Jonathan Hoge*,
- 8 *John Ludwig*,
- 9 *Nicholas Lutz*,
- 10 *Daniel Leinbach*,
- 11 *Anthony Lerch*, jun.
- 12 *John Moore*,
- 13 *Herman Husband*,
- 14 *Samuel Maclay*,

N A Y S.

- 1 *Lawrence Sickie*,
- 2 *Jacob Hiltzbeimer*,
- 3 *William Rawle*,
- 4 *Francis Gurney*,
- 5 *Samuel Ashmead*,
- 6 *Thomas Paul*,
- 7 *Thomas Britton*,
- 8 *Gerardus Wynkoop*,
- 9 *John Chapman*,
- 10 *James Bryan*,
- 11 *Richard Thomas*,
- 12 *Richard Downing*, jun.
- 13 *John M'Dowell*,
- 14 *James Clemson*,
- 15 *Henry Dering*,
- 16 *Jacob Erb*,

Y E A S.

- 15 *John Baird*,
- 16 *James Barr*,
- 17 *James Allison*,
- 18 *Alexander Wright*,
- 19 *Thomas Ryerson*,
- 20 *James Marshall*,
- 21 *John Gilchbreest*,
- 22 *James Finley*,
- 23 *James Johnson*,
- 24 *John Rhea*,
- 25 *Jacob Miley*,
- 26 *James M'Creight*,
- 27 *John Nevil*,
- 28 *John Harris*.

N A Y S.

- 17 *John Miller*,
- 18 *Jacob Schmyser*,
- 19 *John Stewart*,
- 20 *Thomas Lilley*,
- 21 *William Godfrey*,
- 22 *Peter Ealer*,
- 23 *John White*,
- 24 *Jacob Reiff*,
- 25 *Jonathan Roberts*,
- 26 *Benjamin Markley*,
- 27 *James Vaux*,
- 28 *John Carson*,
- 29 *Obadiah Gore*,
- 30 *David Stewart*,
- 31 *Hugh Lloyd*,
- 32 *Richard Riley*.

So it was carried in the negative.

And on the question,—"*Will the House agree to the original resolution?*"—the Yeas and Nays being called by Mr. *Kennedy* and Mr. *Vaux*, were as follow, viz.

Y E A S.

- 1 *Lawrence Sickie*,
- 2 *Jacob Hiltzbeimer*,
- 3 *William Rawle*,

Y E A S.

- 4 *Francis Gurney*,
- 5 *Samuel Ashmead*,
- 6 *Thomas Paul*,

3 K

Y E A S.

Y E A S.

- 7 Thomas Britton,
- 8 Gerardus Wynkoop,
- 9 John Chapman,
- 10 James Bryan,
- 11 Richard Thomas,
- 12 Richard Downing, jun.
- 13 John M'Dowell,
- 14 James Clemson,
- 15 Henry Dering,
- 16 Jacob Erb,
- 17 John Miller,
- 18 Jacob Schmyser,
- 19 John Stewart,
- 20 Thomas Lilley,

N A Y S.

- 1 Elias Boys,
- 2 Valentine Upp,
- 3 James Cunningham,
- 4 Thomas Clingan,
- 5 Thomas Kennedy,
- 6 David Mitchell,
- 7 Jonathan Hoge,
- 8 John Ludwig,
- 9 Nicholas Lutz,
- 10 Daniel Leinbach,
- 11 Anthony Lerch, jun.
- 12 John Moore,
- 13 Herman Husband,
- 14 Samuel MacLay,

Y E A S.

- 21 William Godfrey,
- 22 Peter Ealer,
- 23 John White,
- 24 Thomas Ryerson,
- 25 Jacob Reiff,
- 26 Jonathan Roberts,
- 27 Benjamin Markley,
- 28 James Vaux,
- 29 John Carson,
- 30 Obadiab Gore,
- 31 David Stewart,
- 32 Hugh Lloyd,
- 33 Richard Riley.

N A Y S.

- 15 John Baird,
- 16 James Barr,
- 17 James Allison,
- 18 Alexander Wright,
- 19 James Marshall,
- 20 John Gilcbreest,
- 21 James Finley,
- 22 James Johnson,
- 23 John Rhea,
- 24 Jacob Miley,
- 25 James M'Creight,
- 26 John Nevil,
- 27 John Harris.

So it was carried in the affirmative.

The second resolution being under consideration, *viz.*

Resolved, That this House, being invested with such powers in trust only for the benefit of the people represented in the Legislature, and to secure their happiness and safety, ought at no time to prevent the course of public justice, or support any of its members in opposition *thereto*; and, upon petition from any person aggrieved, *will*, if the case shall so require, grant leave to proceed at law against any such members.

It was moved by Mr. Rawle, seconded by Mr. Paul,

To insert, after the word "*will*," the words "*as a matter of right*."

On the question,—"*Will the House agree to the amendment?*"—the Yeas and Nays being called by Mr. D. Stewart and Mr. Thomas, were as follow, *viz.*

Y E A S.

- 1 Lawrence Sickel,
- 2 Jacob Hiltzheimer,
- 3 William Rawle,
- 4 Francis Gurney,

Y E A S.

- 5 Samuel Ashmead,
- 6 Thomas Paul,
- 7 Thomas Britton,
- 8 Elias Boys,

Y E A S.

Y E A S.

- 9 Gerardus Wynkoop,
- 10 Valentine Upp,
- 11 John Chapman,
- 12 James Bryan,
- 13 Richard Thomas,
- 14 Richard Downing, jun.
- 15 John M'Dowell,
- 16 James Clemson,
- 17 Henry Dering,
- 18 James Cunningham,
- 19 Jacob Erb,
- 20 John Miller,
- 21 Thomas Clingan,
- 22 Jacob Schmyser,
- 23 John Stewart,
- 24 Thomas Lilley,
- 25 William Godfrey,
- 26 Thomas Kennedy,
- 27 Jonathan Hoge,
- 28 John Ludwig,
- 29 Nicholas Lutz,
- 30 Daniel Leinbach,
- 31 Peter Ealer,
- 32 Anthony Lerch, jun.

N A Y S.

- 1 David Mitchell,
- 2 Samuel Maclay,

Y E A S.

- 33 John Moore,
- 34 Herman Husband,
- 35 John White,
- 36 John Baird,
- 37 James Allison,
- 38 Alexander Wright,
- 39 Thomas Ryerson,
- 40 James Marshall,
- 41 John Gilcbreest,
- 42 James Johnson,
- 43 Jacob Reiff,
- 44 Jonathan Roberts,
- 45 Benjamin Markley,
- 46 James Vaux,
- 47 Jacob Miley,
- 48 John Carson,
- 49 James M'Creight,
- 50 Obadiab Gore,
- 51 David Stewart,
- 52 John Nevil,
- 53 John Harris,
- 54 Hugh Lloyd,
- 55 Richard Riley.

N A Y S.

- 3 James Barr,
- 4 John Rhea.

So it was carried in the affirmative.

A motion was then made by Mr. Rhea, seconded by Mr. Wright, To take two separate questions on the said resolution, in manner following, viz.

Resolved, That this House, being invested with such powers in trust only for the benefit of the people represented in the Legislature, and to secure their happiness and safety, ought at no time to prevent the course of public justice, or support any of its members in opposition thereto.

On the question,—“*Will the House agree to the first part of the said resolution?*”

It was carried in the affirmative.

And on the question,—“*Will the House agree to the second part of the said resolution?*”—viz.

And, upon petition from any person aggrieved, will, as a matter of right, if the case shall so require, grant leave to proceed at law against any such members.

The Yeas and Nays being called by Mr. Wright and Mr. Gurney, were as follow, viz.

Y E A S.

- 1 Lawrence Sickie,
- 2 Jacob Hiltzheimer,
- 3 William Rawle,

Y E A S.

- 4 Francis Gurney,
- 5 Samuel Ashmead,
- 6 Thomas Paul,

Y E A S.

Y E A S.

- 7 *Thomas Britton,*
- 8 *Gerardus Wynkoop,*
- 9 *Valentine Upp,*
- 10 *John Chapman,*
- 11 *James Bryan,*
- 12 *Richard Thomas,*
- 13 *Richard Downing, jun.*
- 14 *John M'Dowell,*
- 15 *James Clemson,*
- 16 *Henry Dering,*
- 17 *Jacob Erb,*
- 18 *John Miller,*
- 19 *Jacob Schmyser,*
- 20 *John Stewart,*
- 21 *Thomas Lilley,*

N A Y S.

- 1 *Elias Boys,*
- 2 *James Cunningham,*
- 3 *Thomas Clingan,*
- 4 *Thomas Kennedy,*
- 5 *David Mitchell,*
- 6 *Jonathan Hoge,*
- 7 *John Ludwig,*
- 8 *Nicholas Lutz,*
- 9 *Daniel Leinbach,*
- 10 *Anthony Lerch, jun.*
- 11 *John Moore,*
- 12 *Herman Husband,*

Y E A S.

- 22 *William Godfrey,*
- 23 *Peter Ealer,*
- 24 *John White,*
- 25 *Thomas Ryerson,*
- 26 *Jacob Reiff,*
- 27 *Jonathan Roberts,*
- 28 *Benjamin Markley,*
- 29 *James Vaux,*
- 30 *Jacob Miley,*
- 31 *John Carson,*
- 32 *James M'Creight,*
- 33 *Obadiab Gore,*
- 34 *David Stewart,*
- 35 *Hugh Lloyd,*
- 36 *Richard Riley.*

N A Y S.

- 13 *Samuel Maclay,*
- 14 *John Baird,*
- 15 *James Barr,*
- 16 *James Allison,*
- 17 *Alexander Wright,*
- 18 *James Marshall,*
- 19 *John Gilchreest,*
- 20 *James Finley,*
- 21 *James Johnson,*
- 22 *John Rhea,*
- 23 *John Nevil,*
- 24 *John Harris.*

So it was carried in the affirmative.

A motion was made by Mr. *Kennedy*, seconded by Mr. *Wright*,

To postpone the consideration of the third resolution contained in the said motion of Mr. *Rawle*, seconded by Mr. *Vaux*, in order to introduce the following resolution, *viz.*

Resolved, That the privileges of members of the Legislature shall not henceforward extend to prevent sureties of the peace being required of such members, for matters arising after the end of any session thereof, or where, for want of information, the party could not make application to the House while in session.

On the question,—“ *Will the House agree to the postponement, for the afore-
said purpose?*”

It was carried in the affirmative, and the resolution adopted.

The third resolution then recurring, *viz.*

Resolved, That *Conrad Ibrie*, junior, Esquire, a member of this House, having been arrested during this session, not being charged with treason, felony, or a breach of the peace, and without application to this House for leave to proceed against him, be forthwith discharged from such arrest; and that the Speaker of the House do write a letter to the Sheriff of the county of *Philadelphia*, signifying the pleasure of the House in the premises.

On the question,—“ *Will the House agree to the same?*”—the Yeas and Nays being called by Mr. Rhea and Mr. Marshall, were as follow, viz.

Y E A S.

- 1 *Lawrence Sickles,*
- 2 *Jacob Hiltzbeimer,*
- 3 *William Rawle,*
- 4 *Francis Gurney,*
- 5 *Samuel Ashmead,*
- 6 *Thomas Paul,*
- 7 *Thomas Britton,*
- 8 *Gerardus Wynkoop,*
- 9 *John Chapman,*
- 10 *James Bryan,*
- 11 *Richard Thomas,*
- 12 *Richard Downing, jun.*
- 13 *John M'Dowell,*
- 14 *James Clemson,*
- 15 *Henry Dering,*
- 16 *Jacob Erb,*
- 17 *John Miller,*

N A Y S.

- 1 *Elias Boys,*
- 2 *Valentine Upp,*
- 3 *James Cunningham,*
- 4 *Thomas Kennedy,*
- 5 *David Mitchell,*
- 6 *Jonathan Hoge,*
- 7 *John Ludwig,*
- 8 *Nicholas Lutz,*
- 9 *Daniel Leinbach,*
- 10 *Anthony Lerch, jun.*
- 11 *John Moore,*
- 12 *Herman Husband,*
- 13 *Samuel Maclay,*

Y E A S.

- 18 *Thomas Clingan,*
- 19 *Jacob Schmyser,*
- 20 *John Stewart,*
- 21 *Thomas Lilley,*
- 22 *William Godfrey,*
- 23 *Peter Ealer,*
- 24 *John White,*
- 25 *Thomas Ryerson,*
- 26 *Jacob Reiff,*
- 27 *Jonathan Roberts,*
- 28 *Benjamin Markley,*
- 29 *James Vaux,*
- 30 *John Carson,*
- 31 *Obadiab Gore,*
- 32 *David Stewart,*
- 33 *Hugh Lloyd,*
- 34 *Richard Riley.*

N A Y S.

- 14 *John Baird,*
- 15 *James Barr,*
- 16 *James Allison,*
- 17 *Alexander Wright,*
- 18 *James Marshall,*
- 19 *John Gilchbreest,*
- 20 *James Finley,*
- 21 *James Johnson,*
- 22 *John Rhea,*
- 23 *Jacob Miley,*
- 24 *James M'Creight,*
- 25 *John Nevil,*
- 26 *John Harris.*

So it was carried in the affirmative.

Resolved, That *Adam Stricker* be discharged from the custody of the Sergeant-at-Arms.

Which was accordingly done.

Adjourned until three o'clock, P. M.

Eodem Die. P. M.

The House met pursuant to adjournment.

Agreeably to the order of the House of the 23d instant, *John Nicholson*, Esq; appearing at the bar,

A motion was made by Mr. *Rawle*, seconded by Mr. *Vaux*, in the following words, viz.

3 L

Resolved,

Resolved, That *John Nicholson*, Esq; standing at the bar of this House, be reprimanded by the Speaker for his conduct, in imputing to a member of the House, acting in the discharge of the duties of his station, motives supposed to arise from personal enmity; and, in consideration that the said *John Nicholson* hath since declared that he intended no disrespect thereby to the House, that he be discharged without further proceedings.

It was then, on motion of Mr. *Kennedy*, seconded by Mr. *Lewis*,

Ordered, That the consideration of the said motion be postponed until *Tuesday* next, in the afternoon, and that it be the order for that day.

REASONS of DISSENT.

1st. **B**ECAUSE we apprehend that the peace of the commonwealth, and the protection of the citizens in their persons and property from violence, is the first law of society, the great end for which government was instituted, and the primary object of all municipal regulations; that no Legislature therefore has the right, and, as we believe, none before the present ever assumed the power, of holding themselves exempt from the rule of peaceable demeanor to their fellow-citizens, on which the existence of the community depends, and which extends alike to the highest citizen and the lowest, without any difference or exception; that the distinction, now arbitrarily made by this House, between an actual breach of the peace by a member of Assembly, and the demand of surety of the peace from such member, on a well-grounded apprehension of danger, supported by sufficient testimony on oath, in our opinions, is not warranted either by reason or law. In point of reason, we are convinced that the actual breach of the peace, by a blow, is many times the effect of sudden infirmity, and is repented of as soon as committed; whereas that lurking malice, which sometimes detects itself by threats, and sometimes by other circumstances, is often more dangerous to the community, and more alarming to the individual, especially if it should be discovered in a man of a known mischievous disposition. As the resolutions of the House now stand, the slightest assault, the rashness of a moment, shall oust the member of privilege; and yet, if the member stand detected in an attempt to burn a house, or to commit murder, even by poison, the pretended privilege of this House will protect him, until the House is petitioned for leave to the magistrate to prevent mischief. We are by no means convinced that these difficulties are obviated by that part of the resolutions, which declares "that the House, upon petition from any person aggrieved, will, as a matter of right, if the case shall so require, grant leave to proceed at law against any such members;" for, besides that the danger may in some cases be so imminent and sudden, that there will not be time for an application to the House, as, for instance, in the night-time, or in the interval of an adjournment, we cannot but add, that the resolution, at the same time that it speaks of the House granting leave, "as a matter of right," by adding the words, "if the case shall so require," reduces it at last to a matter of discretion, which it is in the power of the House to grant or refuse; and we cannot apprehend that the citizens of this state hold their right of protection from the laws, to their persons and property, at the will even of the House of Assembly, especially when we reflect that hereafter, under the new constitution, one branch, the half or the third part of the Legislature, may be led, from the precedent now set, to claim and exercise

exercise the same discretionary power over the lives and property of their fellow-citizens; and no man at this day can possibly foresee to what degrees of wanton abuse this precedent may be extended in time to come.—

There is hardly any thing so ridiculous, or so wicked, as not to find its parallel among the instances of privilege claimed and exercised by the *English* Houses of Parliament; nor is there any thing too horrible to be feared, in future times, from a power of acting at discretion, under the impulses of party rage and faction, which are too apt to prevail in a free commonwealth.

We believe the discretionary power, now for the first time assumed by the House, of extending, or refusing privilege, upon the spur of the occasion, may be a dangerous source of corruption in the Legislature, and destroy the independence of its members. In the exercise of this authority the virtuous may be given up to improper and vexatious suits, even in civil cases, when at a distance from home; or the unprincipled and violent may be screened from justice, to the terror of the citizens, according as it may promote the designs or serve the interests of a majority.

In point of law, we apprehend that the question is plain and easy. Our Legislature very early adopted the common law of *England*, which, adverting to the great law of society already mentioned, in the fullest and clearest terms entitles the subject to protection from violence, either threatened or justly feared, whether from members of the Legislature or from others; and we accordingly find that, in *Great-Britain*, Peers of the realm and members of the House of Commons are, and ever have been, held to give surety of the peace, as often as it is legally required, without any interruption from the claim of privilege; and we find their Judges invariably stating the law to be, that there is no privilege of Parliament in any case, where surety of the peace is required. In that country we are convinced that the claims of privilege, at least in former times, have been carried quite too far; and yet no instance has been adduced to shew, that either the House of Lords or the House of Commons in *England* has ever interposed, to prevent their members from being arrested in any one of that multitude of cases wherein surety of the peace has been required. We wish not to carry our claims further on this head, than they have carried theirs. We cannot consent to deprive our fellow-citizens of the benefit of the common law, or to unhinge what we consider as the fundamental principle of society, by destroying that right of peace and security, which belongs to every man in a state of government. And we protest against the present resolutions of the House, which, as far as they can do, have destroyed the protection of the citizen, and have rescued a member of this House from the hands of the law, leaving him at liberty to execute his threats of violence against a fellow-citizen, and leaving that citizen stripped of the protection of the law, and subject to those very evils and dangers, which men left the state of nature and joined together in society to avoid. We dread the effects of wrong precedents and pernicious examples. We think it our duty to bear our testimony against them, and to convince those who are to follow us, that we have not joined in the claim now asserted by a majority of this House, the claim of a privilege of doing mischief without the power of controul or prevention by law.

2d. We think the idea of a petition being necessary to be presented to the House, and submitted to their discretion, previous to the exacting security

rity of the peace from a member, is a novelty; and therefore, besides the objections already stated, may be considered as arising after the fact. Few people, in this enlightened age, need to be warned of the dangerous nature of *ex post facto* laws. The constitution of the United States expressly forbids any one of the states to enact laws *ex post facto*, and the whole world seems convinced of their unreasonableness and injustice. Yet this House, by introducing a new rule after the fact, have condemned a proceeding, which, at the time of the fact, was just and right, and perfectly consonant to law. And the Judge who issued the warrant in the present case, by a rule made now for the first time, after the issuing of the warrant, is, in effect, declared to have done wrong in obeying his oath of office, which requires him to decide according to the known law of the land. If the rule were ever so just and proper (which we nevertheless solemnly deny) yet it ought not to have retrospected to the present measure. For this reason also we dissent. And we cannot but add, that we think it more especially our duty to be thus plain and full in protesting against these measures, and in stating our reasons for so doing, at a time when the right of enquiring into, and complaining of, and petitioning, and remonstrating against the proceedings in this House, by the people out of the House (a right we consider as most sacredly confirmed to every citizen by the express words of the constitution) is brought into question; so that many worthy citizens, who are not members of this House, may be discouraged from exercising that freedom of speaking, and writing, and printing on the proceedings of the government, which the constitution requires of them as their duty.

Thomas Kennedy,
John Rhea,
John Gilchbreest,
John Ludwig,
James Finley,
David Mitchell,
James Barr,
Samuel Macclay,
John Baird,
John Nevil,

James Marshall,
John Moore,
Alexander Wright,
Valentine Upp,
Jonathan Hoge,
James Allison,
James Cunningham,
James Johnson,
John Harris,
Daniel Leinbach.

Adjourned until ten o'clock to-morrow, A. M.

Saturday, March 27, 1790. A. M.

The House met pursuant to adjournment.

A petition from *Lewis Prabl* was read, of a similar tenor with his petition presented to the late House of Assembly *August 31st* last; and on motion, and by special order, the same was read the second time.

Ordered, That it be referred to Mr. Gurney, Mr. Upp and Mr. Gore, to report thereon.

The committee appointed *February 12th*, on that part of the Message from Council, which respects the navigation of the rivers *Delaware*, *Schuylkill* and *Susquebanna*, made report, which was read, as follows, *viz.*

The committee, to whom was referred that part of the Message of the President and Supreme Executive Council, which relates to the reports of the Com-

Commissioners appointed to view the *Delaware*, the *Schuylkill* and the *Susquebanna*, in pursuance of the act of Assembly enacted the twenty-eighth day of *September* last, beg leave to report,—

That the surveys directed appear to have been made with great care, accuracy and judgment, and upon the whole to warrant the inference that the waters of those rivers may, in general, be rendered navigable, with as little difficulty and expence as those of any rivers in the United States: But it appears to the committee to be expedient, previous to proceeding in the execution of any part of the great design proposed by the Legislature, that proper measures should be taken to ascertain the most practicable communication between the eastern and western limits of the state. The Commissioners appointed were, from the directions of the law, confined to the investigation of the navigable waters of the *Delaware*, the *Schuylkill*, and the *Susquebanna*, and the streams which communicated with them.

The resolution which the committee will propose is calculated to obtain a clear and satisfactory knowledge of those internal parts of the state, hitherto unexplored for these purposes; to ascertain the most convenient and practicable place for connecting the waters of the rivers already mentioned with the *Allegheny*, *Lake Ontario* and *Lake Erie*; and, in cases where portage by land will be necessary, to examine the face of the country, and report the most suitable places for landings and roads.

This state of *Pennsylvania* appears to the committee not only to be calculated, from its natural advantages, for those improvements which will facilitate its internal commerce, and promote the wealth and population of its territory, but to be the probable grand channel of future communication between the eastern and western extremities of the United States: And hence it is conceived, that to neglect the acquisition of proper materials for the formation of a general plan, upon the most liberal principles within the abilities of the commonwealth, would be inconsistent both with our interest and our reputation.

The following resolution is therefore submitted, *viz.*

Resolved, That the President and Supreme Executive Council be, and they are hereby authorised and requested to appoint suitable and skilful persons Commissioners, who shall proceed, as soon as may be, to the head of the *Quitapabilla*, and from thence shall proceed to the *Swatara*, and down the *Swatara* to the *Susquebanna*; then, passing over that part of the *Susquebanna* which has been already examined by the Commissioners herein before mentioned, they shall ascend to the mouth of the *Juniata*, where they shall re-commence the examination proposed, and proceed up the *Susquebanna* to *Sunbury*, and thence up the west branch to *Cinnamaboning*, and up the same to the *Canoe Place* (so called) or such place on the main branch or the west branch of *Cinnamaboning*, as will connect most easily with any practicable branch of the *Allegheny*, the *Consua*, *Toby's creek*, or any other which may discharge itself into the *Allegheny* nearest to the mouth of *French creek*; and thence examine *French creek* up to *Le Bœuff*, and the portage to *Presque Isle*; that such Commissioners thence return down the *Allegheny*, and examine the same from the mouth of *French creek* to the *Kiskemenetas*, and up the *Kiskemenetas* to the *Conemaugh*, and up the *Conemaugh* to its forks with *Stony-creek*, and from the same, by the nearest branches which can be improved by canal or lock navigation, to the shortest portage which may be found to the *Frank's-town* branch of *Juniata*, at

or near the mouth of *Poplar* run, where *Patrick Cassidy* now lives, and down the *Frank's-town* branch of *Juniata* to the head of *Water-street*, where the Commissioners of last year concluded the report of their work.

That the President and Supreme Executive Council be also authorised and requested to appoint other suitable and skilful men to explore the country, and ascertain the best road and shortest distance from the *Delaware*, near the forks of the *Mohawk* and *Popaughton* branches, to the great bend on the *Susquebanna*, and thence proceed down the *Susquebanna* to the mouth of *Tioga*, and from thence to the junction of the east and west branches of *Susquebanna*; that on their return from thence, the said commissioners be directed to explore the *Lehigh*, from its head to the *Turn-hole*; and also to examine and explore the *Tobebanna* and the *Schuylkill*, from *Hamburgh*, where the commissioners before mentioned concluded their work, to the mouth of *Tamaguay*, or little *Schuylkill*, as far as good raft navigation may be supposed to extend.

That for the purpose of defraying the expences of such examinations and surveys, the President and Supreme Executive Council be, and they are hereby authorised to draw orders on the Treasurer of the state, not exceeding the sum of _____ to be charged to the fund, in and by the act of Assembly before mentioned appropriated for claims and improvements.

Ordered to lie on the table.

The committee appointed for the purpose reported a bill, entitled "*An Act to authorise and direct the sale of the lands therein mentioned, and for other purposes,*" which was read the first time, and

Ordered to lie on the table.

The following bills having been brought in engrossed, were severally compared at the table, enacted into laws, and the Speaker directed to sign the same, viz.

An Additional SUPPLEMENT to the several acts of Assembly respecting public auctions and auctioneers.

An ACT to provide for the safety of the records of the several counties in this commonwealth, and for other purposes therein mentioned.

An ACT for the relief of John Lytle, John Webb and William Murray.

An ACT to provide for the more effectual relief of the widows and children of the officers and privates of the militia, who have lost their lives in the service of their country.

An ACT for compensating Laughlin McCartney, and others therein mentioned, for supplies by them furnished the civil officers of Northumberland county in the year one thousand seven hundred and seventy-five.

A SUPPLEMENT to the act, entitled "An Act for erecting the south-western part of the county of Cumberland into a separate county.

An ACT in favour of Reading Howell, and for other purposes therein mentioned.

An ACT to authorise and direct the Supreme Executive Council to appoint commissioners, to audit and settle the accounts between Bedford and Huntingdon counties, and for other purposes therein mentioned.

A Further SUPPLEMENT to the act of Assembly, entitled "An Act for the relief of insolvent debtors within the province of Pennsylvania."

The

The House resumed the consideration of the report of the committee on the petitions of 895 inhabitants of the county of *Mifflin*, &c. postponed *March 24th*: Whereupon

Resolved, That the prayer to be re-annexed to *Northumberland* county, contained in the petitions of a number of the inhabitants of *Potter's* and *Bald-Eagle* townships, in the county of *Mifflin*, ought not at this time to be granted.

Resolved, That the petitions of a number of the inhabitants of *Mifflin* county, and part of *Greenwood* township, in *Cumberland* county, praying for a removal of the seat of justice in said county of *Mifflin*, ought not to be granted; and that they, together with the petitioners mentioned in the last preceding resolution, have leave to withdraw their petitions.

Resolved, That a committee be appointed to bring in a bill, to be enacted into a law, for appointing an additional Trustee for erecting a court-house and prison in and for the county of *Mifflin*.

Ordered, That Mr. *Chapman*, Mr. *Cunningham*, Mr. *Carson*, Mr. *Harris* and Mr. *Lloyd* be a committee, to bring in a bill conformably to the said resolution.

The bill, entitled "*A Supplement to an act, entitled "An Act to establish a board of appeal within the several counties of this state, and to grant exonerations in cases of militia fines,"*" was read the second time, and considered by paragraphs.

Ordered, That it be transcribed for a third reading, and forthwith published for consideration.

The House resumed the consideration of the bill, entitled "*An Act for further enlarging the time limited by the act, entitled "An Act for facilitating the redemption of the bills of credit emitted in the year one thousand seven hundred and eighty-one, and for redeeming part of the funded debt of this state, for extending the time for patenting lands which were located before the declaration of independency, and for giving a right of pre-emption to actual settlers for procuring warrants for the lands by them occupied;"*" and the same having been fully considered by paragraphs,

Ordered, That it be engrossed, for the purpose of being enacted into a law.

The bill, entitled "*An Act to enforce the due collection of the revenues of this state, and for other purposes therein mentioned,"*" was read the second time, and considered by paragraphs.

Ordered, That it be transcribed for a third reading, and forthwith published for consideration.

Adjourned until ten o'clock on *Monday* next, A. M.



Monday, March 29, 1790. A. M.

The House met pursuant to adjournment.

The committee appointed for the purpose reported a bill, entitled "*An Act for appointing an additional Trustee for the county of Mifflin,"*" which was read the first time, and

Ordered to lie on the table.

The

The petition of *William Buckley* and *Richard Wells*, read *March* 24th, was read the second time.

Ordered, That it be referred to the city members, to report thereon.

The petition of divers inhabitants of the county of *Dauphin*, read *March* 25th, was read the second time.

Ordered, That it be referred to Mr. *Miller*, Mr. *Leinbach* and Mr. *Carson*, to report thereon.

The House resumed the consideration of the report on the petition of *Mary Harrison*, postponed *March* 18th: Whereupon

Resolved, That the prayer of the petition of *Mary Harrison* be complied with, and that she have leave to bring in a bill for the purposes set forth in said petition, provided the rate of exchange shall not exceed *one hundred and sixty-six pounds thirteen shillings and four-pence* currency for *one hundred pounds* sterling.

The House resumed the consideration of the report on the petition of the corporation of the Protestant Episcopal Church of *St. John*, in the borough of *York*, postponed *December* 7th last: Whereupon

Resolved, That a committee be appointed to bring in a bill, to enable the persons therein mentioned to raise the sum of _____ by a lottery, for the purpose of compleating the parsonage-house and academy of the Protestant Episcopal Church of *St. John*, in the borough of *York*, and that the said bill contain a proviso, that the right of mortgaging the said parsonage-house shall not be thereby affected.

Ordered, That the members from *York* county be a committee, to bring in a bill conformably to the foregoing resolution.

The bill, entitled "*An Act to incorporate the Carpenters Company of Philadelphia*," was read the third time, and in part considered by paragraphs.

Ordered, That the further consideration thereof be postponed.

Mr. *D. Stewart*, in his place, read a bill, entitled "*An Act for appointing two additional trustees for the county of Huntingdon*," and, having obtained leave for that purpose, presented the same to the chair, when it was read the first time, and

Ordered to lie on the table.

The bill, entitled "*An Act to incorporate the Protestant Episcopal Congregation of St. James's Church, in the borough of Bristol, and county of Bucks*," was read the second time, and considered by paragraphs.

Ordered, That it be transcribed for a third reading, and forthwith published for consideration.

The bill, entitled "*An Act to make provision for repairs at Mud-Island*," was read the third time, and considered by paragraphs.

Ordered, That it be engrossed, for the purpose of being enacted into a law.

The bill, entitled "*An Act to reduce the tax upon writs issued out of the County Court of Common Pleas of Philadelphia county, during the time therein limited*," was read the third time, and considered by paragraphs.

Ordered, That it be engrossed, for the purpose of being enacted into a law.

The report on the petitions of a number of the inhabitants of *Moreland*, *Cbeltenham*, *Abington* and *Springfield* townships, in the county of *Montgomery*, read *March* 17th, was read the second time: Whereupon

Resolved,

Resolved, That leave be given to withdraw the petitions signed by a number of the inhabitants of the townships of *Moreland*, *Cheltenham*, *Abington* and *Springfield*, in the county of *Montgomery*, praying that the said townships may be annexed to the county of *Philadelphia*.

The report on the petition of *Francis White*, read *March 5th*, was read the second time: Whereupon

Resolved, That *Francis White* have leave to withdraw his petition.

The bill, entituled “ *An Act for further enlarging the time limited by the act, entituled “ An Act for facilitating the redemption of the bills of credit emitted in the year one thousand seven hundred and eighty-one, and for redeeming part of the funded debt of this state, for extending the time for patenting lands which were located before the declaration of independency, and for giving a right of pre-emption to actual settlers for procuring warrants for the lands by them occupied,” having been brought in engrossed, was compared at the table, enacted into a law, and the Speaker directed to sign the same.*

Adjourned until three o'clock, P. M.

Eodem Die. P. M.

The House met pursuant to adjournment.

The committee appointed this forenoon, on the petition of *William Buckley* and *Richard Wells*, made report, which was read; and on motion, and by special order, the same was read the second time, and adopted, as follows, *viz.*

The committee, to whom was referred the petition of *William Buckley* and *Richard Wells*, report—

That from the circumstances mentioned in the petition it appears reasonable in itself, and consistent with the interest of the state, to suspend the operation of the act, entituled “ *An Act for the inspection of shingles,*” until the first day of *January* next, and also to introduce a further regulation to the shingles of the third kind mentioned in the said act: They therefore submit the following resolution, *viz.*

Resolved, That a committee be appointed to bring in a bill, to suspend the operation of the act, entituled “ *An Act for the inspection of shingles,*” and also to provide that shingles of the third kind mentioned in said act be packed in bundles containing one hundred and twenty-five each.

Ordered, That the city members be a committee, to bring in a bill conformably to the foregoing resolution.

The committee appointed for the purpose reported a bill, entituled “ *A Supplement to the several acts of Assembly of this state relative to the inspection of slaves, heading and lumber,*” which was read the first time, and

Ordered to lie on the table.

The committee appointed for the purpose reported a bill, entituled “ *An Act to suspend, for a limited time, the operation of an act, entituled “ An Act for the inspection of shingles, and for other purposes therein mentioned,”* which was read the first time, and

Ordered to lie on the table.

Agreeably to leave given, a member presented to the chair a bill, entituled “ *A Further Supplement to an act, entituled “ An Act for the attainder of divers traitors, if they render not themselves by a certain day, and for* “ vesting

“ vesting their estates in the commonwealth, and for more effectually dis-
 “ covering the same, and for ascertaining and satisfying all lawful debts and
 “ claims thereon,” which was read the first time, and

Ordered to lie on the table.

The bill, entitled “ *An Act to erect the town of Harrisburg, in the county
 “ of Dauphin, into a borough, and for other purposes therein mentioned,*” was
 read the second time, and considered by paragraphs.

Ordered, That it be transcribed for a third reading, and forthwith pub-
 lished for consideration.

The bill, entitled “ *A further Supplement to the act, entitled “ An Act
 “ to incorporate the city of Philadelphia,”* was read the third time, and
 considered by paragraphs.

Ordered, That it be engrossed, for the purpose of being enacted into a
 law.

The bill, entitled “ *An Act for the better regulation and support of the
 “ poor of Chester county,*” was read the second time, and considered by
 paragraphs.

Ordered, That it be transcribed for a third reading, and forthwith pub-
 lished for consideration.

The House resumed the consideration of the bill, entitled “ *An Act
 “ to incorporate the Carpenters company of Philadelphia;*” and having fully
 considered the same by paragraphs.

Ordered, That it be engrossed, for the purpose of being enacted into a law.

The bill, entitled “ *An Act to provide for the election of Representatives
 “ of this state in the Congress of the United States,*” was read the second time.
 And in considering the same by paragraphs,

A motion was made by Mr. Findley, seconded by Mr. Baird, in the fol-
 lowing words, viz.

That it be re-committed, with instructions to divide the state into di-
 stricts, containing, as nearly as may be, such number of taxable inhabitants
 as are entitled to elect one Representative; where that cannot be done,
 such number of adjoining counties shall be formed into one district, as shall
 be entitled to elect not more than three Representatives; but neither the city
 nor any county shall be divided in forming a district.

Which was carried in the negative.

And the said bill having been fully considered by paragraphs,

Ordered, That it be transcribed for a third reading, and forthwith publish-
 ed for consideration.

Adjourned until ten o'clock to-morrow, A. M.

Tuesday, March 30, 1790. A. M.

The House met pursuant to adjournment.

The committee appointed *March 27th*, on the petition of *Lewis Prabl*,
 made report, which was read, as follows, viz.

The committee, to whom was referred the petition of *Lewis Prabl*, re-
 port—

That having fully considered the circumstances of his case, which is by no
 means of a singular nature, as it is well known that some thousands of the
 citizens of this state have had their property taken from them or destroyed by
 the *British* army, and that these are circumstances which can only be ranked
 among

among the calamities of war, and not within the ability of the Legislature to redress: Therefore the following resolution is submitted, *viz.*

Resolved, That *Lewis Prabl* have leave to withdraw his petition.

Ordered to lie on the table.

The committee appointed *March* 24th, on the petition of *Blackall William Ball*, made report, which was read, as follows, *viz.*

The committee, to whom was referred the petition of *Blackall William Ball*, report—

That they consider the prayer of the present petition partly of a similar nature with that which has been decided upon during the present session of the House, and that they cannot see the propriety of again recommending it to the consideration of this Assembly: The following resolution is therefore submitted, *viz.*

Resolved, That *Blackall William Ball* have leave to withdraw his petition.

Ordered to lie on the table.

The committee appointed *March* 23d, on the memorial of the members of the *Hebrew Congregation of Philadelphia*, made report, which was read, as follows, *viz.*

The committee, to whom was referred the memorial of the members of the *Hebrew Congregation of the city of Philadelphia*, report—

That in consideration of the circumstances set forth in said petition, which appear to your committee to be founded in fact, it appears reasonable that the prayer of their petition should be granted: Therefore the committee submit the following resolution, *viz.*

Resolved, That the members of the *Hebrew Congregation* have leave to present a bill for instituting and establishing a lottery, for the purpose of redeeming their house of public worship from the mortgage and incumbrance thereon.

Ordered to lie on the table.

The committee of accounts, who were directed by a resolution of the 24th instant to enquire what number and amount of the bills of credit emitted by act of Assembly of 1st *June* 1780, and those of 7th *April* 1781, remain unredeemed, made report, which was read, as follows, *viz.*

The committee of accounts, to whom was referred the resolution of the House of 24th of *March* instant, directing them to enquire what number and amount of the bills of credit emitted by act of Assembly of 1st *June* 1780, and those of 7th *April* 1781, remain unredeemed, and report specially thereon to this House, report—

That, although your committee might seem justifiable in stating only the present balances of those emissions remaining unredeemed, yet, as the preamble to the resolution states that considerable differences had appeared in the statements of the accounts of the Comptroller-General and Register-General in the premises, they conceive it their duty to inform the House how and at what time those differences arose, as far as they have been able to discover.

1st. It appears to your committee, from the Comptroller-General's statement of 7th *November* 1787, that there was a balance to be redeemed of bills of credit of *June* 1780, 46,358 dollars, and in his statement of 4th *November* 1788, to be redeemed of the aforesaid bills of credit, 36,453 dollars.

Nevertheless the state hath been charged in the Treasurer's accounts, rendered to and settled by the Comptroller-General to the 1st *September* 1789,

1789, with £ 17,514 4 1 in the bills of credit of *March* 1785, paid in exchange for 35,091 dollars in bills of credit of 1st *June* 1780, together with interest thereon.

2d. That in the report made by the late Treasurer, agreeably to the act of Assembly of 30th *September* 1789, to the Register-General, the state is further charged with £ 7,745 16 8, in bills of credit of *March* 1785, paid in exchange for 15,464 dollars, in bills of credit of 1st *June* 1780, together with the interest thereon.

3d. That in the Treasurer's accounts of 1786 and 1787, he charges himself with 63,438 dollars in bills of credit of *June* 1780, received in exchange for a like sum of bills of credit of *March* 1785, which makes a part of the sum stated by the Comptroller-General to have been redeemed and in the treasury in *November* 1787; yet it appears not to your committee that the Comptroller-General hath charged the state, or credited the Treasurer, with the bills of credit of *March* 1785, paid in exchange for the said bills of *June* 1780, in any of his three statements to the House, of *November* 1787, *March* 24th 1788, and *November* 4th 1788. By which omission it appears to your committee the finances of the state were represented in a better situation than they really were, by the amount of the said 63,438 dollars, together with the interest due thereon.

4th. That the Comptroller and Register-General both agree, that the aforesaid sums of £ 17,514 4 1, and £ 7,745 16 8, of the bills of credit of *March* 1785, paid in exchange for the aforesaid sums of 35,091 and 15,464 dollars, making together 50,555 dollars, together with the interest thereon, as per articles 1st and 2d, were the only sums, in the bills of credit of *March* 1785, yet brought to the debit of the state, for the redemption of the aforesaid 63,438 dollars in bills of *June* 1st 1780, stated to have been received in *November* 1787, leaving a balance of 12,883 dollars, which, added to the sum of 7,809 dollars principal of said bills, which the Treasurer also charges himself with as received in exchange for other monies, in his state money accounts for 1788 and 1789, amounts to 20,697 dollars principal, and, estimating the interest on this sum at six years and eight months, the average interest paid on those sums, contained in the 1st and 2d articles, makes 6,898 dollars and 30-90ths; so that the bills of credit of *March* 1785 are, or may yet be absorbed in the exchange of the aforesaid sum of 27,595 dollars, principal and interest, to the amount thereof, more than has yet been stated to this House, although stated by the Comptroller-General to have been redeemed in 1787.

5th. That the Comptroller-General, in *Nov.* 1788, states, as per article 1st, a balance remaining to be redeemed in bills of credit of *June* 1st 1780,

Dols. 36,453

The state hath been charged with the sum of £ 25,260 0 9, in the bills of *March* 1785, paid in exchange for bills of 1st *June* 1780 since the said statement, per article 4th,

Principal,

50,555

To which add amount of said bills yet to be redeemed, as per article 6th, including the sum remaining in the hands of the continental loan-officer,

103,709

Dols. 154,264

The

The differences between the Comptroller's above statement and the sum it has and may cost the state to redeem the afore-said bills of *June 1780*, since the above-said statement of *November 1788*, is

Besides the further sum that may yet be brought to account,		117,811
and the interest thereon, as per article 4th,	-	27,595
Total,	-	<u>Dols. 145,406</u>

6th. That notwithstanding the foregoing statements of the Comptroller-General, which have been exhibited from time to time, your committee are of opinion that the following, being taken from a recent certificate of the late Treasurer, is a true state of the bills of *June 1st 1780*, viz.

Quantity emitted,	-	Dols. 1,495,000
Burnt by committee of Assembly <i>Nov. 21st</i> , <i>1788</i> ,	-	1,391,291
Retained by <i>Thomas Smith</i> , Esq; continental loan-officer,	-	78,642
Remaining to be redeemed, balance	-	<u>25,067</u>
		<u>Dols. 1,495,000</u>

7th. That your committee, on the investigation of accounts of the bills of credit of *April 7th 1781*, observe, that in the statement of the Comptroller-General of *November 1787*, it is stated of the said bills,

Burnt and destroyed,	-	£ 437,474 9 9
In the treasury,	-	6,777 1 9
		<u>£ 444,251 11 6</u>

Due to sundry persons for certificates and balances, payable in this money, which will be issued,

£ 7,250 0 0

8th. In the Comptroller-General's statement of *Nov. 1788*, page 8, he brings forward the above sums burnt and in the treasury, as redeemed, without making allowance for the sum called again into circulation, although he calculates himself on a sum of £ 7250 being again issued, and says,

Redeemed, per last settlement,	-	444,251 11 6
Redeemed since,	-	13,293 6 2
		<u>£ 457,544 17 8</u>

9th. In the Register-General's statement there appears to have been burnt and destroyed to *1st Sept. 1788*,

437,474 9 9

Difference between the two statements,

<u>£ 20,070 7 11</u>

Which appears to have arisen, principally, from the Comptroller's considering money once paid into the treasury as redeemed, although it may not only be paid out again, but he has himself calculated upon the sum of £ 7250 being again to be paid out for the purpose he mentions.

10th. That from the Comptroller-General's statements of *Nov.* 1787 and *Nov.* 1788, there ought to have been in the treasury, on the 1st *Sept.* 1788, in bills of credit of *April* 7th 1781, being the balance of £ 20,070 7 11, resulting from the last mentioned statements, after deducting thereout the sum of £ 755 2 10, which, in his statement of *Nov.* 1788, he asserts to have been since paid out for sundry debts and certificates,

By an account exhibited by the Register-General, there appeared a balance remaining in the treasury of said emission of *April* 7th 1781, from 1st *Sept.* 1788 to 22d *Sept.* 1789, including the sum of £ 500 1 0, paid out within that period, in pursuance of certain warrants of Council,

	19,215 5 1
	9,814 7 1
	£ 29,029 12 2
Burnt and destroyed <i>Sept.</i> 22d 1789,	24,000 0 0

	£ 5,029 12 2
From which deduct the balance in the treasury on 1st <i>Oct.</i> 1789, as per the late Treasurer's account, rendered to <i>Oct.</i> 1789,	651 4 7

Difference,	£ 4,378 7 7
-------------	-------------

Therefore the difference of £ 4,378 7 7 will appear between the Comptroller's statement of *Nov.* 1788 and the sum, which, from his preceding statements, ought to have been in the treasury in the bills of credit of *April* 7th 1781.

Yet, notwithstanding those statements by the Comptroller-General, your committee are of opinion the true state of the said bills of 7th *April* 1781, taken from the certificate of the late Treasurer, is as follows, viz.

Whole amount of the emission,	£ 486,500 0 0
Burnt by the committee of accounts,	
at sundry times,	461,474 9 9
Burnt by your committee of accounts,	
<i>March</i> instant,	2,881 14 6
Balance yet unredeemed,	22,143 15 9
	£ 486,500 0 0

Ordered to lie on the table.

The committee, to whom were referred, *November* 9th, the petitions of the owners of lands in the frontier and other counties of this state, made report, which was read; and on motion, and by special order, the same was read the second time, and adopted, as follows, viz.

The committee, to whom was referred all the papers on the files of the late House of Assembly relative to taxes laid upon unseated lands, report—

That having carefully considered the subject, it appears to them that great abuses and oppressions have from time to time been the consequence of the mode hitherto in practice for assessing and collecting taxes upon unseated lands

lands, the effects of which have not only discouraged and injured the sale of the lands belonging to the state, but have also diminished the product of the general taxes. Property has in many instances been taxed so high, as to render it not worth while for the owner to redeem it; and in many instances the owner has had no notice of the demands against it; although prepared and willing to discharge them. In both cases the sales have generally been far below the real value of the property, and thus the state in fact sustains the injury, as it has to recur to other subjects of taxation to produce the sums necessary for the public welfare. The insecurity of public property, liable to such devastation, ultimately tends to render the commonwealth odious abroad, while it impairs its wealth at home; and hence the committee apprehend it will be expedient (without continuing the suspension of sales, which has from time to time been necessarily adopted) to propose a plan, which will promote the collection of the arrearages, without subjecting the owners of the property in question to such manifest unmerited destruction: The following resolution is therefore submitted, viz.

Resolved, That a committee be appointed to bring in a bill, to enforce the collection of the arrearages of taxes assessed upon unseated lands, upon the following principles:

1st. That due notice be given of the sums due for taxes upon such lands, and of the day and place of appeal, at least months.

2d. That the commissioners be authorised, upon such appeal, to exonerate all such unseated lands from taxation, during such periods of time as the incursions of the *Indians* prevailed in the neighbourhood of such settlements, during which time such lands could not be improved, without danger to the settlers.

3d. That the commissioners return lists of such assessments to the Treasurer of the state, who shall be authorised and required to demand and receive such taxes of the persons from whom due, and to take legal measures to compel them personally to make payment thereof.

4th. That all such lands, liable to taxes as aforesaid, payment of which cannot be so recovered by the Treasurer, may be exposed to sale by the commissioners of the proper county, under proper regulations: Whereupon

Ordered, That Mr. Rawle, Mr. Britton and Mr. Lilley be a committee, to bring in a bill conformably to the foregoing resolution.

The following bills having been brought in engrossed, were severally compared at the table, enacted into laws, and the Speaker directed to sign the same, viz.

An ACT to authorise the sale of the barracks in the borough of Lancaster, and the lot or lots on which they are erected, and for other purposes therein mentioned.

An ACT to reduce the tax upon writs issued out of the County Court of Common Pleas of Philadelphia county, during the time therein limited.

The bill, entitled “ *An Act for erecting part of the county of York into a separate county,*” was read the second time.

And in considering the following paragraph, viz.

Be it enacted, and it is hereby enacted by the Representatives of the freemen of the commonwealth of *Pennsylvania*, in General Assembly met, and by the authority of the same, That all and singular the lands lying within the bounds and limits herein after mentioned shall be, and are hereby erected into a separate county, by the name of

county,
namely;

namely; beginning on the line of Cumberland county, where the road leading from Carlisle across Dill's Gap intersects the said line; thence a direct course to the Conewago Creek, opposite the mouth of Abbot's Run; thence along said run, so long as it continues the division line between Paradise and Berwick townships; thence along the line of Berwick, until it strikes the line of Heidelberg; thence southward, so as to exclude Hanover-town, to the line dividing Fork county from the state of Maryland; thence west, along said line, to the Franklin county line; thence along said line to the Cumberland county line, and along the same to the place of beginning.

On the question,—“Will the House agree to the same?”—the Yeas and Nays being called by Mr. Lilley and Mr. Clingan, were as follow, viz.

Y E A S.

- 1 William Rawle,
- 2 Thomas Britton,
- 3 Elias Boys,
- 4 John M'Dowell,
- 5 James Cunningham,
- 6 Thomas Clingan,
- 7 Thomas Kennedy,
- 8 David Mitchell,
- 9 Jonathan Hoge,
- 10 John Ludwig,
- 11 Nicholas Lutz,
- 12 Daniel Leinbach,
- 13 Conrad Ibrie, jun.
- 14 John Moore,
- 15 Herman Husband,
- 16 Samuel MacLay,
- 17 John Baird,

Y E A S.

- 18 James Barr,
- 19 James Allison,
- 20 Alexander Wright,
- 21 Thomas Ryerson,
- 22 James Marshall,
- 23 John Gilchreeff,
- 24 James Finley,
- 25 James Johnson,
- 26 John Rhea,
- 27 Benjamin Markley,
- 28 Jacob Miley,
- 29 James M'Creight,
- 30 David Stewart,
- 31 John Nevil,
- 32 John Harris,
- 33 Hugh Lloyd,
- 34 Richard Rilly.

N A Y S.

- 1 Jacob Hiltzbeimer,
- 2 Francis Gurney,
- 3 Samuel Ashmead,
- 4 Thomas Paul,
- 5 Gerardus Wynkoop,
- 6 Valentine Upp,
- 7 John Chapman,
- 8 James Bryan,
- 9 Richard Thomas,
- 10 Richard Downing, jun.
- 11 James Clemson,
- 12 Jacob Erb,

N A Y S.

- 13 John Miller,
- 14 Jacob Schmyser,
- 15 John Stewart,
- 16 Thomas Lilley,
- 17 William Godfrey,
- 18 Peter Ealer,
- 19 Jacob Reiff,
- 20 Jonathan Roberts,
- 21 James Vaux,
- 22 John Carson,
- 23 Obadiab Gore.

So it was determined in the affirmative.

And the said bill having been fully considered by paragraphs,

Ordered, That it be transcribed for a third reading, and forthwith published for consideration.

The committee appointed for the purpose reported a bill, entitled “An Act to enforce the due collection of taxes assessed upon unseated and unimproved lands”

"lands within this state, and for other purposes therein mentioned," which was read the first time, and

Ordered to lie on the table.

The bill, entituled "*An Act to reform the penal laws of this state*," was read the third time, and in part considered by paragraphs.

Ordered, That the further consideration thereof be postponed until to-morrow, and that it be the order for that day.

Adjourned until three o'clock, P. M.

Eodem Die. P. M.

The House met pursuant to adjournment.

Agreeably to the order of the day, the House resumed the consideration of the motion postponed *March 26th, viz.*

Resolved, That *John Nicholson*, Esq; standing at the bar of this House, be reprimanded by the Speaker for his conduct, in imputing to a member of the House, acting in the discharge of the duties of his station, motives supposed to arise from personal enmity; and, in consideration that the said *John Nicholson* hath since declared that he intended no disrespect thereby to the House, that he be discharged without further proceedings.

A motion was made by Mr. *Maclay*, seconded by Mr. *Boys*,

To postpone the consideration of the said resolution, in order to introduce the following in lieu thereof, *viz.*

Whereas, by a resolution of the 19th instant, *John Nicholson* was ordered to appear before the bar of this House, to answer for his conduct in writing and publishing a letter, said to contain indecent reflections against *Conrad Ibrie*, junior, Esquire, a member of this House, and likewise a breach of privilege: And whereas *John Nicholson* has declared, by letter, that he did not intend any reflection on this House: Therefore

Resolved, That *John Nicholson* be discharged without further proceedings.

And on the question,—"*Will the House agree to the postponement, for the aforesaid purpose?*"—the Yeas and Nays being called by Mr. *Ludwig* and Mr. *Maclay*, were as follow, *viz.*

Y E A S.

- 1 *Elias Boys*,
- 2 *Valentine Upp*,
- 3 *James Cunningham*,
- 4 *Thomas Clingan*,
- 5 *Thomas Kennedy*,
- 6 *David Mitchell*,
- 7 *Jonathan Hoge*,
- 8 *John Ludwig*,
- 9 *Nicholas Lutz*,
- 10 *Daniel Leinbach*,
- 11 *John Moore*,
- 12 *Herman Husband*,
- 13 *Samuel Maclay*,

Y E A S.

- 14 *John Baird*,
- 15 *James Barr*,
- 16 *James Allison*,
- 17 *Alexander Wright*,
- 18 *Thomas Ryerson*,
- 19 *James Marshall*,
- 20 *John Gilcbreeft*,
- 21 *James Finley*,
- 22 *James Johnson*,
- 23 *John Rhea*,
- 24 *Jacob Miley*,
- 25 *James M'Creight*,
- 26 *John Nevil*.

3 P

N A Y S.

N A Y S.

- 1 Lawrence Sickle,
- 2 Jacob Hiltzheimer,
- 3 William Lewis,
- 4 William Rawle,
- 5 Francis Gurney,
- 6 Samuel Ashmead,
- 7 Thomas Paul,
- 8 Thomas Britton,
- 9 Gerardus Wynkoop,
- 10 John Chapman,
- 11 James Bryan,
- 12 Richard Thomas,
- 13 Richard Downing, jun.
- 14 John M'Dowell,
- 15 James Clemson,
- 16 Henry Dering,
- 17 Jacob Erb,

N A Y S.

- 18 John Miller,
- 19 Jacob Schmyser,
- 20 John Stewart,
- 21 Thomas Lilley,
- 22 William Godfrey,
- 23 Peter Ealer,
- 24 John White,
- 25 Jacob Reiff,
- 26 Jonathan Roberts,
- 27 Benjamin Markley,
- 28 James Vaux,
- 29 John Carson,
- 30 Obadiab Gore,
- 31 David Stewart,
- 32 Hugh Lloyd,
- 33 Richard Riley.

So it was carried in the negative; and the original resolution recurring,

A motion was made by Mr. *Lewis*, seconded by Mr. *Wynkoop*,

To postpone the consideration thereof, in order to introduce the following, to precede the same, viz.

Resolved, That *John Nicholson*, Esquire, is guilty of a breach of the privileges of this House, and of a contempt of the Legislature of Pennsylvania.

On the question,—“ *Will the House agree to the postponement, for the afore-said purpose?* ”—

It was carried in the affirmative.

And the resolution moved by Mr. *Lewis*, seconded by Mr. *Wynkoop*, being under consideration.

On the question,—“ *Will the House adopt the same?* ”—the Yeas and Nays being called by Mr. *Kennedy* and Mr. *Lewis*, were as follow, viz.

Y E A S.

- 1 Lawrence Sickle,
- 2 Jacob Hiltzheimer,
- 3 William Lewis,
- 4 William Rawle,
- 5 Francis Gurney,
- 6 Samuel Ashmead,
- 7 Thomas Paul,
- 8 Thomas Britton,
- 9 Gerardus Wynkoop,
- 10 John Chapman,
- 11 James Bryan,
- 12 Richard Thomas,
- 13 Richard Downing, jun.
- 14 John M'Dowell,
- 15 James Clemson,
- 16 Henry Dering,

Y E A S.

- 17 Jacob Erb,
- 18 John Miller,
- 19 Jacob Schmyser,
- 20 Thomas Lilley,
- 21 William Godfrey,
- 22 Peter Ealer,
- 23 Jacob Reiff,
- 24 Jonathan Roberts,
- 25 Benjamin Markley,
- 26 James Vaux,
- 27 John Carson,
- 28 Obadiab Gore,
- 29 David Stewart,
- 30 Hugh Lloyd,
- 31 Richard Riley.

N A Y S.

N A Y S.

- 1 Elias Boys,
- 2 Valentine Upp,
- 3 James Cunningham,
- 4 Thomas Clingan,
- 5 Thomas Kennedy,
- 6 David Mitchell,
- 7 Jonathan Hoge,
- 8 John Ludwig,
- 9 Nicholas Lutz,
- 10 Daniel Leinbach,
- 11 John Moore,
- 12 Herman Husband,
- 13 Samuel Maclay,

N A Y S.

- 14 John Baird,
- 15 James Barr,
- 16 James Allison,
- 17 Alexander Wright,
- 18 Thomas Ryerson,
- 19 James Marshall,
- 20 John Gilchreest,
- 21 James Finley,
- 22 James Johnson,
- 23 John Rhea,
- 24 Jacob Miley,
- 25 James M'Creight,
- 26 John Nevil.

So it was carried in the affirmative; and the original resolution again recurring, viz.

Resolved, That John Nicholson, Esquire, standing at the bar of this House, be reprimanded by the Speaker for his conduct, in imputing to a member of the House, acting in the discharge of the duties of his station, motives supposed to arise from personal enmity; and, in consideration that the said John Nicholson hath since declared that he intended no disrespect thereby to the House, that he be discharged without further proceedings.

On the question,—“*Will the House adopt the same?*”—the Yeas and Nays being called by Mr. Rhea and Mr. Lewis, were as follow, viz.

Y E A S.

- 1 Lawrence Sickle,
- 2 Jacob Hiltzbeimer,
- 3 William Lewis,
- 4 William Rawle,
- 5 Francis Gurney,
- 6 Samuel Ashmead,
- 7 Thomas Paul,
- 8 Thomas Britton,
- 9 Gerardus Wynkoop,
- 10 John Chapman,
- 11 James Bryan,
- 12 Richard Thomas,
- 13 Richard Downing, jun.
- 14 John M'Dowell,
- 15 James Clemson,
- 16 Henry Dering,

Y E A S.

- 17 Jacob Erb,
- 18 John Miller,
- 19 Jacob Schmyser,
- 20 Thomas Lilley,
- 21 William Godfrey,
- 22 Peter Ealer,
- 23 Jacob Reiff,
- 24 Jonathan Roberts,
- 25 Benjamin Markley,
- 26 James Vaux,
- 27 John Carson,
- 28 Obadiab Gore,
- 29 David Stewart,
- 30 Hugh Lloyd,
- 31 Richard Riley.

N A Y S.

- 1 Elias Boys,
- 2 Valentine Upp,
- 3 James Cunningham,
- 4 Thomas Clingan,
- 5 Thomas Kennedy,
- 6 David Mitchell,
- 7 Jonathan Hoge,

N A Y S.

- 8 John Ludwig,
- 9 Nicholas Lutz,
- 10 Daniel Leinbach,
- 11 John Moore,
- 12 Herman Husband,
- 13 Samuel Maclay,
- 14 John Baird,

N A Y S.

N A Y S.

- 15 James Barr,
- 16 James Allison,
- 17 Alexander Wright,
- 18 Thomas Ryerson,
- 19 James Marshall,
- 20 John Gilcbreest,

N A Y S.

- 21 James Finley,
- 22 James Johnson,
- 23 John Rhea,
- 24 Jacob Miley,
- 25 James M^cCreight,
- 26 John Nevil.

So it was carried in the affirmative.

The Speaker then, pursuant to the said resolutions, reprimanded the said *John Nicholson*, standing at the bar of the House.

After which he was informed, that he was discharged without further proceedings.

Adjourned until ten o'clock to-morrow, A. M.

Wednesday, March 31, 1790. A. M.

The House met pursuant to adjournment.

The committee appointed *March 24th*, on the petition of the Trustees, Elders and Deacons of the Reformed *German* Congregation in the borough of *Reading*, in the county of *Berks*, made report, which was read, as follows, viz.

The committee, to whom was referred the petition of the Trustees, Elders and Deacons of the Reformed *German* Congregation in the borough of *Reading*, in the county of *Berks*, and other members of the said congregation, praying to be allowed by law to raise a sum of money by lottery, for the purpose of paying their debts contracted by building their church, school-house and parsonage-house, report—

That in the opinion of the committee it will be proper to grant the prayer of the petitioners: They therefore submit the following resolution, viz.

Resolved, That the Trustees, Elders and Deacons of the Reformed *German* Congregation in the borough of *Reading*, in the county of *Berks*, be permitted to bring in a bill to empower them to raise a sum of money by way of lottery, for the purpose of paying their debts contracted by building their church, school-house and parsonage-house.

Ordered to lie on the table.

Agreeably to the order of the day, the House resumed the consideration of the bill, entituled “ *An Act to reform the penal laws of this state* ;” and having fully considered the same by paragraphs,

Ordered, That it be engrossed, for the purpose of being enacted into a law.

The bill, entituled “ *An Act for appointing two additional Trustees for the county of Huntingdon*,” was read the second time, and considered by paragraphs.

Ordered, That it be transcribed for a third reading, and forthwith published for consideration.

A motion was made by Mr. *Clingan*, seconded by Mr. *Nevil*, in the following words, viz.

Resolved, That *Moses M^cClean* and *William Kersey*, of the county of *York*, and *John Cunningham*, of the borough of *Lancaster*, surveyors, be, and they

are

are hereby appointed to survey and mark the proposed division line in *York* county, and make report to this Assembly of the same, by courses and distances, at their next session; beginning on the *Cumberland* line, where the road leading from *Carlisle* across *Dill's Gap* intersects the said line; thence a straight course to the *Conewago Creek*, opposite the mouth of *Abbot's Run*; thence along said run, so long as it continues the division line between *Paradise* and *Berwick* townships; thence along the *Berwick* line, until it strikes the line of *Heidleberg* township; thence a straight line, so as to exclude *Hanover-town*, to the *Maryland* line; or such other line or lines as they may be called upon to run, by those who are included within the proposed new division of said county; who shall for their services, whilst engaged in performing said business, be paid the sum of _____ per day by the inhabitants of the said proposed district.

Ordered to lie on the table.

A motion was then made by Mr. *Clingan*, seconded by Mr. *Rhea*, in the following words, *viz.*

Resolved, That *James Cunningham*, of the borough of *Lancaster*, *Jonathan Hoge*, of the county of *Cumberland*, and *James Johnson*, of the county of *Franklin*, Esquires, be, and they are hereby appointed to view and examine the situation of the several places proposed for the seat of justice in the western part of *York* county, intended to be erected into a separate county, and make report of such place as they may judge most suitable and proper for the same to this Assembly, at their next session; for which service they shall be paid the sum of _____ per day, whilst engaged in performing said service, by the inhabitants who shall be included within said district.

Ordered to lie on the table.

Adjourned until half past three o'clock, P. M.

Eodem Die. P. M.

The House met pursuant to adjournment.

The committee appointed *March* 29th, on the petition of a number of the inhabitants of *Dauphin* county, made report, which was read, as follows, *viz.*

The committee, to whom was referred the petition of a number of the inhabitants of the county of *Dauphin*, praying that means may be provided for repairing the road between Colonel *Grubb's* old furnace and forge, beg leave to report—

That as a general plan for improving the roads and internal navigation within this state has been for some time in contemplation, and proper measures for obtaining the necessary information relating thereto are now taking by direction of the Legislature, it will be expedient to postpone the consideration of any particular improvement, until they shall be found to be proper parts of the general system: The committee therefore submit the following resolution, *viz.*

Resolved, That the petitioners for repairing the road betwixt Colonel *Grubb's* old furnace and forge have leave to withdraw their petition.

Ordered to lie on the table.

The bill, entitled "*An Act to enforce the due collection of the revenues of this state, and for other purposes therein mentioned,*" was read the third time, and considered by paragraphs.

On the question,—"*Shall the same be engrossed, for the purpose of being enacted into a law?*"—the Yeas and Nays being called by Mr. Kennedy and Mr. Marshall, were as follow, viz.

Y E A S.

- 1 Jacob Hiltzbeimer,
- 2 William Rawle,
- 3 Francis Gurney,
- 4 Samuel Ashmead,
- 5 Thomas Paul,
- 6 Thomas Britton,
- 7 Elias Boys,
- 8 Gerardus Wynkoop,
- 9 Valentine Upp,
- 10 John Chapman,
- 11 James Bryan,
- 12 Richard Thomas,
- 13 Richard Downing, jun.
- 14 John M^d Dowell,
- 15 James Clemson,
- 16 Henry Dering,
- 17 Jacob Erb,
- 18 John Miller,
- 19 Thomas Clingan,
- 20 Jacob Schmyser,

Y E A S.

- 21 John Stewart,
- 22 Thomas Lilley,
- 23 William Godfrey,
- 24 Nicholas Lutz,
- 25 Daniel Leinbach,
- 26 Conrad Ibrie, jun.
- 27 John White,
- 28 Thomas Ryerson,
- 29 Jacob Reiff,
- 30 Jonathan Roberts,
- 31 Benjamin Markley,
- 32 James Vaux,
- 33 Jacob Miley,
- 34 John Carson,
- 35 James M^d Creight,
- 36 Obadiah Gore,
- 37 David Stewart,
- 38 Hugh Lloyd,
- 39 Richard Riley.

N A Y S.

- 1 Thomas Kennedy,
- 2 David Mitchell,
- 3 Jonathan Hoge,
- 4 John Ludwig,
- 5 John Moore,
- 6 Samuel Maclay,
- 7 John Baird,
- 8 James Allison,

N A Y S.

- 9 Alexander Wright,
- 10 James Marshall,
- 11 John Gilcbreeft,
- 12 James Finley,
- 13 James Johnson,
- 14 John Rhea,
- 15 John Nevil.

So it was determined in the affirmative.

A letter from *Timothy Pickering*, Esq; was presented to the chair, and read, remonstrating against the bill, entitled "*An Act to repeal an act, entitled 'An Act for ascertaining and confirming to certain persons, called Connecticut Claimants, the lands by them claimed within the county of Luzerne, and for other purposes therein mentioned,' and requesting the said bill may lie over until the next session, for further consideration.*"

Ordered to lie on the table.

The report on that part of the message of Council, which respects the navigation of the rivers *Delaware*, *Schuylkill* and *Susquehanna*, read *March 27th*, was read the second time, and adopted, as follows, viz.

The

The committee, to whom was referred that part of the message of the President and Supreme Executive Council, which relates to the reports of the Commissioners appointed to view the *Delaware*, the *Schuylkill* and the *Susquehanna*, in pursuance of the act of Assembly enacted the twenty-eighth day of September, 1789, beg leave to report,—

That the surveys directed appear to have been made with great care, accuracy and judgment, and upon the whole to warrant the inference that the waters of those rivers may, in general, be rendered navigable, with as little difficulty and expence as those of any rivers in the United States: But it appears to the committee to be expedient, previous to proceeding in the execution of any part of the great design proposed by the Legislature, that proper measures should be taken to ascertain the most practicable communication between the eastern and western limits of the state. The Commissioners appointed were, from the directions of the law, confined to the investigation of the navigable waters of the *Delaware*, the *Schuylkill*, and the *Susquehanna*, and the streams which communicated with them.

The resolution which the committee will propose is calculated to obtain a clear and satisfactory knowledge of those internal parts of the state, hitherto unexplored for these purposes; to ascertain the most convenient and practicable place for connecting the waters of the rivers already mentioned with the *Allegheny*, *Lake Ontario* and *Lake Erie*; and, in cases where portage by land will be necessary, to examine the face of the country, and report the most suitable places for landings and roads.

This state of *Pennsylvania* appears to the committee not only to be calculated, from its natural advantages, for those improvements which will facilitate its internal commerce, and promote the wealth and population of its territory, but to be the probable grand channel of future communication between the eastern and western extremities of the United States: And hence it is conceived, that to neglect the acquisition of proper materials for the formation of a general plan, upon the most liberal principles within the abilities of the commonwealth, would be inconsistent both with our interest and our reputation.

The following resolution is therefore submitted, *viz.*

Resolved, That the President and Supreme Executive Council be, and they are hereby authorised and requested to appoint three suitable and skilful persons Commissioners, who shall proceed, as soon as may be, to the head of the *Quitapabilla*, and from thence shall proceed to the *Swatara*, and down the *Swatara* to the *Susquehanna*; then, passing over that part of the *Susquehanna* which has been already examined by the Commissioners herein before mentioned, they shall ascend to the mouth of the *Juniata*, where they shall re-commence the examination proposed, and proceed up the *Susquehanna* to *Sunbury*, and thence up the west branch to *Cinnamahoning*, and up the same to the *Canoe Place* (so called) or such place on the main branch or the west branch of *Cinnamahoning*, as will connect most easily with any practicable branch of the *Allegheny*, the *Consua*, *Toby's creek*, or any other which may discharge itself into the *Allegheny* nearest to the mouth of *French creek*; and thence examine *French creek* up to *Le Bœuff*, and the portage to *Presque Isle*; that they also examine and explore any nearer and more convenient communication which may be effected by land or water with *Lake Erie*; that such Commissioners thence return down the *Allegheny*, and examine the same from the mouth of *French creek* to the *Kiskemene-*
tas,

tas, and up the *Kiskemenetas* to the *Conemaugh*, and up the *Conemaugh* to its forks with *Stony-creek*, and from the same, by the nearest branches which can be improved by canal or lock navigation, to the shortest portage which may be found to the *Frank's-town* branch of *Juniata*, at or near the mouth of *Poplar* run, where *Patrick Cassidy* now lives, and down the *Frank's-town* branch of *Juniata* to the head of *Water-street*, where the Commissioners of last year concluded the report of their work.

That the President and Supreme Executive Council be also authorised and requested to appoint three other suitable and skilful men to explore the country, and ascertain the best road and shortest distance from the *Delaware*, near the forks of the *Mohawk* and *Popaughton* branches, to the great bend on the *Susquebanna*, and thence proceed down the *Susquebanna* to the mouth of *Tioga*, and from thence to the junction of the east and west branches of *Susquebanna*; that on their return from thence, the said commissioners be directed to explore the *Lehigh*, from its head to the *Turn-hole*; and also to examine and explore the *Tobehanna* and the *Schuykill*, from *Hamburg*, where the commissioners before mentioned concluded their work, to the mouth of *Tamaguay*, or little *Schuykill*, as far as good raft navigation may be supposed to extend.

That for the purpose of defraying the expences of such examinations and surveys, the President and Supreme Executive Council be, and they are hereby authorised to draw orders on the Treasurer of the state, not exceeding the sum of *six hundred pounds*, to be charged to the fund, in and by the act of Assembly before mentioned appropriated for claims and improvements.

The bill, entitled “ *An Act to repeal an act, entitled “ An Act for ascertaining and confirming to certain persons, called Connecticut Claimants, the lands by them claimed within the county of Luzerne, and for other purposes therein mentioned,*” was read the third time.

A motion was made by Mr. *Gurney*, seconded by Mr. *Carson*,

To postpone the consideration of the said bill until the next session.

On the question,—“ *Will the House agree to the postponement?*”—the Yeas and Nays being called by Mr. *Rawle* and Mr. *Kennedy*, were as follow, viz.

Y E A S.

- 1 *Jacob Hiltzheimer,*
- 2 *William Rawle,*
- 3 *Francis Gurney,*
- 4 *Samuel Ashmead,*
- 5 *Thomas Paul,*
- 6 *Thomas Britton,*
- 7 *Gerardus Wynkoop,*
- 8 *John Chapman,*
- 9 *James Bryan,*
- 10 *Richard Thomas,*
- 11 *Richard Downing, jun.*
- 12 *John Miller,*
- 13 *Jacob Schmyser,*

N A Y S.

- 1 *Elias Boys,*
- 2 *Valentine Upp,*

Y E A S.

- 14 *Thomas Lilley,*
- 15 *William Godfrey,*
- 16 *Jonathan Hoge,*
- 17 *Conrad Ibrie, jun.*
- 18 *Herman Husband,*
- 19 *James Finley,*
- 20 *Jonathan Roberts,*
- 21 *John Carson,*
- 22 *James M'Creight,*
- 23 *Obadiab Gore,*
- 24 *John Nevil,*
- 25 *Hugh Lloyd,*
- 26 *Richard Riley.*

N A Y S.

- 3 *John M'Dowell,*
- 4 *James Clemson,*

N A Y S.

N A Y S.

- 5 James Cunningham,
- 6 Jacob Erb,
- 7 Thomas Clingan,
- 8 John Stewart,
- 9 Thomas Kennedy,
- 10 David Mitchell,
- 11 John Ludwig,
- 12 Nicholas Lutz,
- 13 Daniel Leinbach,
- 14 John Moore,
- 15 Samuel Macclay,
- 16 John White,

N A Y S.

- 17 John Baird,
- 18 James Barr,
- 19 James Allison,
- 20 Alexander Wright,
- 21 Thomas Ryerson,
- 22 John Gilcbreest,
- 23 James Johnson,
- 24 John Rhea,
- 25 Jacob Reiff,
- 26 James Vaux,
- 27 Jacob Miley,
- 28 David Stewart.

So it was determined in the negative.

And the following paragraph being under consideration, viz.

Be it therefore enacted, and it is hereby enacted by the Representatives of the freemen of the commonwealth of *Pennsylvania*, in General Assembly met, and by the authority of the same, That the act, entitled “ *An Act for ascertaining and confirming to certain persons, called Connecticut Claimants, the lands by them claimed within the county of Luzerne, and for other purposes therein mentioned*, be, and the same is hereby repealed, and all proceedings had under the said act are hereby rendered void, and declared to be null and of no effect; and all titles and claims which might be supposed to be affected by said act are hereby re-vested in the former owners, in as full and ample a manner as if the said act had never been enacted, any thing in the same to the contrary notwithstanding.

On the question,—“ *Will the House agree to the same?*”—the Yeas and Nays being called by Mr. Rawle and Mr. Clingan, were as follow, viz.

Y E A S.

- 1 Francis Gurney,
- 2 Thomas Paul,
- 3 Thomas Britton,
- 4 Elias Boys,
- 5 Gerardus Wynkoop,
- 6 John Chapman,
- 7 Valentine Upp,
- 8 James Bryan,
- 9 John M'Dowell,
- 10 James Clemson,
- 11 James Cunningham,
- 12 Jacob Erb,
- 13 Thomas Clingan,
- 14 Jacob Schmyser,
- 15 John Stewart,
- 16 William Godfrey,
- 17 Thomas Kennedy,
- 18 David Mitchell,
- 19 Jonathan Hoge,

Y E A S.

- 20 John Ludwig,
- 21 Nicholas Lutz,
- 22 Daniel Leinbach,
- 23 Conrad Ibrie, jun.
- 24 John Moore,
- 25 Samuel Macclay,
- 26 John White,
- 27 John Baird,
- 28 James Barr,
- 29 James Allison,
- 30 Alexander Wright,
- 31 Thomas Ryerson,
- 32 John Gilcbreest,
- 33 James Finley,
- 34 James Johnson,
- 35 John Rhea,
- 36 Jacob Reiff,
- 37 James Vaux,
- 38 Jacob Miley,

3 R

Y E A S.

Y E A S.

- 39 John Carson,
- 40 James M'Creight,
- 41 David Stewart,

N A Y S.

- 1 Jacob Hiltzheimer,
- 2 William Rawle,
- 3 Samuel Ashmead,
- 4 Richard Thomas,
- 5 Richard Downing, jun.
- 6 John Miller,

Y E A S.

- 42 Hugh Lloyd,
- 43 Richard Riley.

N A Y S.

- 7 Thomas Lilley,
- 8 Herman Husband,
- 9 Jonathan Roberts,
- 10 Obadiab Gore,
- 11 John Nevil.

So it was determined in the affirmative.

A motion was made by Mr. Rawle, seconded by Mr. Gore,
To add the following paragraph to the said bill, viz.

And whereas it has been represented to this House that judgment has been obtained, in sundry actions of ejectment brought in the Court of Common Pleas for the county of *Northumberland*, for sundry tracts of land now lying within the county of *Luzerne*, at the suit of persons claiming under titles derived from the late Proprietaries of *Pennsylvania*, in which judgment by default has been recovered against persons holding such lands by virtue of rights or titles derived from or under the state of *Connecticut*, and it is right and just that the defendants in such actions should not be dispossessed without a trial by jury: Be it therefore enacted by the authority aforesaid, That no writ or writs of *scire facias*, or *habere facias possessionem*, shall issue from the said court to revive such judgments, or to carry them into effect; but original writs in ejectment for recovery of any such tracts of land within the said county may be brought at the suit of such *Pennsylvania Claimants*, or any of them.

On the question,—“ *Will the House agree to the same?*”—the Yeas and Nays being called by Mr. Rawle and Mr. Ryerson, were as follow, viz.

Y E A S.

- 1 Jacob Hiltzheimer,
- 2 William Rawle,
- 3 Francis Gurney,
- 4 Samuel Ashmead,
- 5 Elias Boys,
- 6 Gerardus Wynkoop,
- 7 John Chapman,
- 8 James Bryan,
- 9 Richard Thomas,
- 10 Richard Downing, jun.
- 11 Jacob Schmyser,
- 12 Thomas Lilley,
- 13 William Godfrey,

N A Y S.

- 1 Thomas Paul,
- 2 Thomas Britton,
- 3 Valentine Upp,

Y E A S.

- 14 Herman Husband,
- 15 James Allison,
- 16 Alexander Wright,
- 17 Thomas Ryerson,
- 18 Jonathan Roberts,
- 19 James Vaux,
- 20 Jacob Miley,
- 21 John Carson,
- 22 James M'Creight,
- 23 Obadiab Gore,
- 24 John Nevil,
- 25 Hugh Lloyd,
- 26 Richard Riley.

N A Y S.

- 4 John M'Dowell,
- 5 James Cunningham,
- 6 Jacob Erb,

N A Y S.

N A Y S.

- 7 John Miller,
- 8 Thomas Clingan,
- 9 Thomas Kennedy,
- 10 David Mitchell,
- 11 Jonathan Hoge,
- 12 John Ludwig,
- 13 Nicholas Lutz,
- 14 Daniel Leinbach,
- 15 John Moore,
- 16 Samuel Macclay,

N A Y S.

- 17 John White,
- 18 John Baird,
- 19 James Barr,
- 20 John Gilcbreest,
- 21 James Finley,
- 22 James Johnson,
- 23 John Rhea,
- 24 Jacob Reiff,
- 25 David Stewart.

So it was determined in the affirmative.

And the said bill having been fully considered by paragraphs,

Ordered, That it be engrossed, for the purpose of being enacted into a law.

Adjourned until ten o'clock to-morrow, A. M.

Thursday, April 1, 1790. A. M.

The House met pursuant to adjournment.

The committee appointed *March 23d*, on the petition of *Daniel Rees*, made report, which was read, as follows, *viz.*

The committee, to whom was referred the petition of *Daniel Rees*, report—

That they have considered the subject matter of said petition with attention, and have heard the petitioner, and considered the evidence and documents which the petitioner brought forward to substantiate his claim, and though the committee are rather inclined to believe the petitioner's claim to be a just one, yet there does not appear to be a sufficient foundation for the House to found any proceedings on: They therefore submit a resolution, *viz.*

Resolved, That the petitioner have leave to withdraw his petition.

Ordered to lie on the table.

The report of the committee on the petition of *Blackall William Ball*, read *March 30th*, was read the second time.

A motion was made by Mr. *Wright*, seconded by Mr. *Vaux*,

To postpone the consideration of the said report, in order to introduce the following resolution in lieu thereof, *viz.*

Resolved, That a committee be appointed to bring in a bill, to be enacted into a law, authorising the Comptroller-General to certify to the State Treasurer the annual interest due on the certificates lost or destroyed, which were the property of *Blackall William Ball*, and to authorise the State Treasurer, after having ascertained how much interest has been paid on said certificates, to pay the arrearages and annual interest on said certificates, as the same becomes due, and that he shall receive such acknowledgment for the payments so to be made, as will prevent the state from being again liable therefor.

On the question,—“ *Will the House agree to the postponement, for the afore-said purpose?*”

It was carried in the negative. And thereupon

Resolved, That *Blackall William Ball* have leave to withdraw his petition.

The

The report of the committee on the petition of *Lewis Prabl*, read *March 30th*, was read the second time: Whereupon

Resolved, That *Lewis Prabl* have leave to withdraw his petition.

The report of the committee on the petition of a number of the inhabitants of *Thornbury* and *Birmingham* townships, in the county of *Delaware*, read *March 9th*, was read the second time: Whereupon

Resolved, That the petitioners from the townships of *Thornbury* and *Birmingham*, in the county of *Delaware*, have leave to withdraw their petitions.

The report of the committee on the petition of the *Hebrew Congregation* of *Philadelphia*, read *March 30th*, was read the second time: Whereupon

Resolved, That the members of the *Hebrew Congregation* have leave to present a bill for instituting and establishing a lottery, for the purpose of redeeming their house of public worship from the mortgage and incumbrance thereon.

The bill, entitled "*An Act for appointing an additional Trustee for the county of Mifflin*," was read the second time, and considered by paragraphs.

Ordered, That it be transcribed for a third reading, and forthwith published for consideration.

The bill, entitled "*An Act to suspend, for a limited time, the operation of an act, entitled 'An Act for the inspection of shingles, and for other purposes therein mentioned,'*" was read the second time, and considered by paragraphs.

Ordered, That it be transcribed for a third reading, and forthwith published for consideration.

The bill, entitled "*An Act to authorize and direct the sale of the lands therein mentioned, and for other purposes*," was read the second time, and considered by paragraphs.

Ordered, That it be transcribed for a third reading, and forthwith published for consideration.

The bill, entitled "*A Supplement to the several acts of Assembly of this state relative to the inspection of staves, heading and lumber*," was read the second time, and considered by paragraphs.

Ordered, That it be transcribed for a third reading, and forthwith published for consideration.

The bill, entitled "*An Act for appointing two additional Trustees for the county of Huntingdon*," was read the third time, and considered by paragraphs.

Ordered, That it be engrossed, for the purpose of being enacted into a law.

The bill, entitled "*A Supplement to an act, entitled 'An Act to establish a board of appeal within the several counties of this state, and to grant exonerations in cases of militia fines,'*" was read the third time, and considered by paragraphs.

Ordered, That it be engrossed, for the purpose of being enacted into a law.

The bill, entitled "*An Act to repeal an act, entitled 'An Act for ascertaining and confirming to certain persons, called Connecticut Claimants, the lands by them claimed within the county of Luzerne, and for other purposes therein mentioned,'*" having been brought in engrossed, was compared at the table. And

And on the question,—“ *Shall the same be enacted into a law?*”—the Yeas and Nays were called by Mr. Lewis and Mr. Rawle, and were as follow, viz.

Y E A S.

- 1 Francis Gurney,
- 2 Thomas Paul,
- 3 Thomas Britton,
- 4 Elias Boys,
- 5 Gerardus Wynkoop,
- 6 Valentine Upp,
- 7 John Chapman,
- 8 James Bryan,
- 9 John M'Dowell,
- 10 James Clemson,
- 11 Jacob Erb,
- 12 John Miller,
- 13 Jacob Schmyser,
- 14 William Godfrey,
- 15 Thomas Kennedy,
- 16 David Mitchell,
- 17 Jonathan Hoge,
- 18 John Ludwig,
- 19 Nicholas Lutz,
- 20 Daniel Leinbach,
- 21 John Moore,

Y E A S.

- 22 Samuel Maclay,
- 23 John White,
- 24 John Baird,
- 25 James Barr,
- 26 James Allison,
- 27 Alexander Wright,
- 28 James Marshall,
- 29 Thomas Ryerson,
- 30 John Gilcbreest,
- 31 James Finley,
- 32 James Johnson,
- 33 John Rhea,
- 34 Jacob Reiff,
- 35 Benjamin Markley,
- 36 James Vaux,
- 37 Jacob Miley,
- 38 John Carson,
- 39 James M'Creight,
- 40 David Stewart,
- 41 Hugh Lloyd,
- 42 Richard Riley.

N A Y S.

- 1 Lawrence Sickie,
- 2 Jacob Hiltzheimer,
- 3 William Lewis,
- 4 William Rawle,
- 5 Samuel Ashmead,
- 6 Richard Thomas,
- 7 Richard Downing, jun.

N A Y S.

- 8 Henry Dering,
- 9 Thomas Lilley,
- 10 Herman Husband,
- 11 Jonathan Roberts,
- 12 Obadiab Gore,
- 13 John Nevil,
- 14 John Harris.

So it was determined in the affirmative, the bill enacted into a law, and the Speaker directed to sign the same.

On motion,

Ordered, That Mr. M'Dowell have leave of absence during the remainder of the present session.

Adjourned until three o'clock, P. M.

Eodem Die. P. M.

The House met pursuant to adjournment.

The committee appointed December 1st last, on the petition of a number of the inhabitants of the county of *Washington*, made report, which was read, as follows, viz.

The committee, to whom was referred the petition of a number of the inhabitants of *Washington* county, praying that *Chartier's* creek, in the said county, may by law be declared a public highway, report—

That having duly considered the prayer of the petitioners, we are of opinion that it would tend to the utility and advantage of those people, should the prayer of their petition be granted: And therefore your committee beg leave to offer the following resolution, *viz.*

Resolved, That a committee be appointed to bring in a bill, to be enacted into a law, declaring *Chartier's creek*, in *Washington county*, to be a public highway.

Ordered to lie on the table.

The bill, entitled, "*An Act to enforce the due collection of taxes assessed upon unseated and unimproved lands within this state, and for other purposes therein mentioned*," was read the second time, and considered by paragraphs.

Ordered, That it be transcribed for a third reading, and forthwith published for consideration.

The bill, entitled "*A Further Supplement to an act, entitled 'An Act for the attainder of divers traitors, if they render not themselves by a certain day, and for vesting their estates in the commonwealth, and for more effectually discovering the same, and for ascertaining and satisfying all lawful debts and claims thereon'*," was read the second time, and considered by paragraphs.

Ordered, That it be transcribed for a third reading, and forthwith published for consideration.

The bill, entitled "*An Act appropriating a sum of money for building and finishing a court-house and prison for the county of Dauphin*," was read the second time, and considered by paragraphs.

Ordered, That it be transcribed for a third reading, and forthwith published for consideration.

The bill, entitled "*An Act to enforce the due collection of the revenues of this state, and for other purposes therein mentioned*," having been brought in engrossed, was compared at the table, enacted into a law, and the Speaker directed to sign the same.

On motion of *Mr. Maclay*, seconded by *Mr. Mitchell*,

Resolved, That this House will on *Tuesday* next close their present session.

Adjourned until three o'clock to-morrow, P. M.

Friday, April 2, 1790. P. M.

The House met pursuant to adjournment.

Agreeably to leave given, a member presented to the chair a bill, entitled, "*An Act for raising, by way of lottery, the sum of seven hundred and twenty-three pounds fifteen shillings, for defraying the expence of erecting an Academy and Parsonage-house in the borough of York*," which was read the first time, and

Ordered to lie on the table.

The motion made by *Mr. Clingan*, seconded by *Mr. Nevil*, *March 31st*, was read the second time.

A motion was then made by *Mr. Clingan*, seconded by *Mr. Maclay*,

To postpone the consideration of the said motion, in order to introduce the following as a substitute, *viz.*

Whereas a bill published for consideration, for the division of the county of *York*, designates a line which appears to this Assembly to give some uneasiness

easefulness to a number of the inhabitants near the same: And as this Assembly are ever willing and desirous to obtain and have the fullest information on every subject, previous to a determination thereon: Therefore

Resolved, That the petitioners in favor of a division of the county of *York* are hereby authorized to procure a survey of the line designated in a bill, entitled "*An Act for erecting part of the county of York into a separate county*," or any other line or lines of division which those concerned may think proper, so that the same be done at the expence of the said petitioners; and that *Moses M'Clean*, surveyor, be, and he is hereby appointed for the aforesaid purpose, and is requested to make report of the same, by courses and distances, to this Assembly, at their next session.

On the question,—"*Will the House agree to the postponement?*"

It was carried in the affirmative: Whereupon

Ordered, That the motion made by Mr. *Clingan*, seconded by Mr. *Macclay*, lie on the table.

The bill, entitled "*An Act in favor of John Churchman*," was read the second time, and considered by paragraphs.

Ordered, That it be transcribed for a third reading, and forthwith published for consideration.

The report on the petition of the trustees, elders and deacons of the Reformed German congregation in the borough of *Reading*, in the county of *Berks*, read *March* 31st, was read the second time: Whereupon

Resolved, That the trustees, elders and deacons of the Reformed German congregation in the borough of *Reading*, in the county of *Berks*, be permitted to bring in a bill to empower them to raise a sum of money by way of lottery, for the purpose of paying their debts contracted by building their church, school-house and parsonage-house.

The bill, entitled "*An Act to incorporate the Protestant Episcopal Congregation of St. James's Church, in the borough of Bristol, and county of Bucks*," was read the second time, and considered by paragraphs.

Ordered, That it be transcribed for a third reading, and forthwith published for consideration.

The following bills having been brought in engrossed, were severally compared at the table, enacted into laws, and the Speaker directed to sign the same, viz.

An ACT for appointing two additional Trustees for the county of Huntingdon.

A further SUPPLEMENT to the act, entitled "An Act to incorporate the city of Philadelphia."

An ACT to incorporate the Carpenters company of Philadelphia.

An ACT for altering a certain clause in the charter of the corporation for the relief of the widows and children of Clergymen of the Protestant Episcopal Church in the United States of America.

An ACT to make provision for repairs at Mud-Island.

Adjourned until ten o'clock to-morrow, A. M.

Saturday, April 3, 1790. A. M.

The House met pursuant to adjournment.

The committee appointed *February* 15th, on the petition of the Trustees of *Dickinson College*, made report, which was read, as follows, viz.

The

The committee, to whom was referred the petition of the Trustees of *Dickinson College*, report—

That they conceive the preservation of *Dickinson College* to be of great importance to the state of *Pennsylvania*. The advantages of its situation, with the success it has hitherto had, render it highly probable that it will become a central luminary of science, extending its beneficial rays far into the wilderness on the west, and, connecting itself on the east with the institutions of earlier date at *Philadelphia*, effect that general diffusion of useful science, which can alone instruct us to value, and enable us to encrease the singular blessings and advantages we possess. It is not easy, therefore, to define any purposes, to which the Legislature could more justifiably apply the funds within their power, than to relieve from its present temporary difficulties an institution, which, with a small assistance, will reward us so amply at a future day, but which, if now neglected, must soon expire. Yet the committee is too sensible of the present state of the treasury, to propose what a greater degree of public opulence would admit, and have therefore confined themselves to the following resolution, *viz.*

Resolved, That a committee be appointed to bring in a bill, to authorize and direct the President and Supreme Executive Council to draw an order on the Treasurer of the State for the sum of *one thousand pounds*, in favour of the Trustees of *Dickinson College*, in the borough of *Carlisle*, and county of *Cumberland*, to be repaid by the said Trustees at the expiration of seven years, without interest.

Ordered to lie on the table.

The committee appointed *February 27th*, on the petition of the Trustees of the College, Academy and Charitable School of the city of *Philadelphia*, made report, which was read, as follows, *viz.*

The committee, to whom was referred the petition of the Trustees of the College, Academy and Charitable School of the city of *Philadelphia*, report—

That in their opinion it would be adviseable to attempt the formation of a plan upon general and liberal principles, which would tend to promote the interests of literature, and prevent the seminaries already established from going to decay; but as the approaching conclusion of the session renders it impossible to procure the necessary materials for the purpose before the adjournment, they propose a resolution, calculated to enable the House to take up the business immediately after the recess. They have included in the resolution, as relating to the same subject, the appointment of a committee, in pursuance of the eighteenth section of the act, entitled "*An Act to confirm the estates and interests of the College, Academy and Charitable School*," conceiving that such visitations, when directed by law, ought regularly to be made, in order that the public, seeing the beneficial application of its bounties, may be encouraged to extend its beneficence to other objects of a like meritorious nature.

Resolved, That a committee be appointed to examine the books, accounts and œconomy of the University of the state of *Pennsylvania*, and to report thereon to this House at the next session; and that the same committee be instructed to report such plan for the advancement of knowledge and literature, by means of the said seminary, and of the College, Academy and Charitable School of the city of *Philadelphia*, as shall appear most proper for the Legislature to adopt.

Ordered to lie on the table.

Agreeably

Agreeably to leave given, a member presented to the chair a bill, entitled
 “ *An Act for raising, by way of lottery, the sum of eight hundred pounds, for
 “ redeeming the house of public worship belonging to the Hebrew congregation
 “ of the city of Philadelphia from the mortgage and incumbrance thereon,*”
 which was read the first time, and

Ordered to lie on the table.

The bill, entitled “ *An Act to suspend, for a limited time, the operation
 “ of an Act, entitled “ An Act for the inspection of shingles, and for
 “ other purposes therein mentioned,*” was read the third time, and considered by paragraphs.

Ordered, That it be engrossed, for the purpose of being enacted into a law.

The bill, entitled “ *A Supplement to the several Acts of Assembly of this
 “ state relative to the inspection of slaves, heading and lumber,*” was read the third time, and considered by paragraphs.

Ordered, That it be engrossed, for the purpose of being enacted into a law.

The bill, entitled “ *An Act to authorise and direct the sale of the lands
 “ therein mentioned, and for other purposes,*” was read the third time.

And the first enacting clause being under consideration,

It was, on motion of Mr. Rawle, seconded by Mr. Thomas,

Ordered, That the further consideration of the said bill be postponed.

The bill, entitled “ *An Act for appointing an additional Trustee for the
 “ county of Mifflin,*” was read the third time, and considered by paragraphs.

Ordered, That it be engrossed, for the purpose of being enacted into a law.

The bill, entitled “ *An Act to enforce the due collection of taxes assessed
 “ upon unseated and unimproved lands within this state, and for other purposes
 “ therein mentioned,*” was read the third time.

And on the question,—“ *Will the House consider the same by paragraphs?*”—

It was determined in the negative.

Adjourned until ten o'clock on Monday next, A. M.

Monday, April 5, 1790. A. M.

The House met pursuant to adjournment.

A letter from his Excellency the President of the Supreme Executive Council was presented to the chair, and read, as follows, viz.

IN COUNCIL, Philadelphia, April 5th, 1790.

S I R,

COUNCIL request a conference this morning with a committee of the General Assembly, on that part of their message to the Legislature

ture of the twenty-fifth day of *August*, 1789, which relates to the gun-powder magazine.

I am, Sir,

With great respect,

Your most obedient and most humble servant,

THOMAS MIFFLIN.

Honorable RICHARD PETERS, *Esquire,*
Speaker of the General Assembly.

And on motion, and by special order, the same was read the second time.

Ordered, That Mr. Rawle, Mr. Marshall and Mr. Vaux be a committee, to confer with Council on the subject matter contained in the said letter, and report thereon.

The bill, entitled "*An Act in favour of Robert Thorn,*" was read the third time, and considered by paragraphs.

Ordered, That it be engrossed, for the purpose of being enacted into a law.

The bill, entitled "*An Act for raising, by way of lottery, the sum of eight hundred pounds, for redeeming the house of public worship belonging to the Hebrew congregation of the city of Philadelphia from the mortgage and incumbrance thereon,*" was read the second time, and considered by paragraphs.

Ordered, That it be transcribed for a third reading, and forthwith published for consideration.

The following bills having been brought in engrossed, were severally compared at the table, enacted into laws, and the Speaker directed to sign the same, *viz.*

An ACT for appointing an additional Trustee for the county of Mifflin.

An ACT to suspend, for a limited time, the operation of an act, entitled "An Act for the inspection of shingles, and for other purposes therein mentioned."

A SUPPLEMENT to the several Acts of Assembly of this state relative to the inspection of slaves, heading and lumber.

A SUPPLEMENT to an act, entitled "An Act to establish a board of appeal within the several counties of this state, and to grant exonerations in cases of militia fines."

The bill, entitled "*An Act to reform the penal laws of this state,*" having been brought in engrossed, was compared at the table: Whereupon

A motion was made by Mr. Rawle, seconded by Gurney,

To annex the following paragraph, by way of rider, to the said bill, *viz.*

And be it further enacted by the authority aforesaid, That the force and operation of the act herein before mentioned, entitled "*An Act for amending the penal laws of this state,*" shall, notwithstanding the said act is herein repealed, remain valid and effectual as to all persons convicted and sentenced to confinement, servitude and hard labour, conformably to the true intent and meaning of the said act, and of this act.

And

And the said paragraph being presented to the chair, was read ; and on motion, and by special order, the same was read the second and third time, and adopted.

Ordered, That it be engrossed, for the purpose of being enacted with and as part of the said bill.

The report on the petition of the Trustees of *Dickinson* College, read *April* 3d, was read the second time : Whereupon

Resolved, That a committee be appointed to bring in a bill, to authorise and direct the President and Supreme Executive Council to draw an order on the Treasurer of the State for the sum of *one thousand pounds*, in favour of the Trustees of *Dickinson* College, in the borough of *Carlisle*, and county of *Cumberland*, to be repaid by the said Trustees at the expiration of seven years, without interest.

Ordered, That Mr. *Rawle*, Mr. *Britton* and Mr. *Hoge* be a committee, to bring in a bill conformably to the foregoing resolution.

The report on the petition of the Trustees of the College, Academy and Charitable School of the city of *Philadelphia*, read *April* 3d, was read the second time, and adopted, as follows, *viz.*

The committee, to whom was referred the petition of the Trustees of the College, Academy and Charitable School of the city of *Philadelphia*, report—

That in their opinion it would be adviseable to attempt the formation of a plan upon general and liberal principles, which would tend to promote the interests of literature, and prevent the seminaries already established from going to decay ; but as the approaching conclusion of the session renders it impossible to procure the necessary materials for the purpose before the adjournment, they propose a resolution, calculated to enable the House to take up the business immediately after the recess. They have included in the resolution, as relating to the same subject, the appointment of a committee, in pursuance of the eighteenth section of the act, entitled “ *An Act to confirm the estates and interests of the College, Academy and Charitable School of the city of Philadelphia, and to amend and alter the charters thereof, conformably to the revolution and to the constitution and government of this commonwealth, and to erect the same into an University,*” conceiving that such visitations, when directed by law, ought regularly to be made, in order that the public, seeing the beneficial application of its bounties, may be encouraged to extend its beneficence to other objects of a like meritorious nature.

Resolved, That a committee be appointed to examine the books, accounts and œconomy of the University of the state of *Pennsylvania*, and to report thereon to this House at the next session ; and that the same committee be instructed to report such plan for the advancement of knowledge and literature, by means of the said seminary, and of the College, Academy and Charitable School of the city of *Philadelphia*, as shall appear most proper for the Legislature to adopt.

Ordered, That the city members be a committee, for the purposes contained in the foregoing resolution.

The committee appointed this forenoon, to confer with the Supreme Executive Council, made report, which was read, as follows, *viz.*

The committee appointed to confer with Council report, that they have performed the duty assigned to them.

It

It appears that Council have found it impracticable to procure a suitable lot, without the limits of the city, for the necessary purpose of erecting a magazine for the reception and storage of gun-powder, as directed by the resolve of a late House of Assembly on the 12th day of *September*, 1788.

A proper situation has occurred, and it is probable may be purchased at a reasonable price, on the banks of the *Schuylkill*, within the city bounds, but the powers of Council do not extend to it.

The necessity of a provision of the kind being admitted, the propriety of extending the powers contained in the said resolution is evident, and the following resolution is therefore submitted, *viz.*

Resolved, That the President and Supreme Executive Council be, and they are hereby authorised to contract for the purchase of a suitable lot of ground, for the purpose of erecting thereon a magazine for the storage of gun-powder, and also to contract for erecting such building, upon such constructions and of such dimensions, as will conduce to the security of the public in this instance; and that this House will at their next session by law make provision for the expences of such purchase and building.

Ordered to lie on the table.

The House resumed the consideration of the bill, entitled "*An Act for the payment of the claim of Turnbull, Marmie and Company;*" and having fully considered the same by paragraphs,

Ordered, That it be engrossed, for the purpose of being enacted into a law.

Adjourned until three o'clock, P. M.

Eodem Die. P. M.

The House met pursuant to adjournment.

Mr. *Kennedy*, in his place, read a bill, entitled "*An Act to suspend the sales of lands therein mentioned for a time therein limited;*" and, having obtained leave, presented the same to the chair, when it was read the first time; and on motion, and by special order, the same was read the second time, as follows, *viz.*

An ACT to suspend the sales of lands therein mentioned for a time therein limited.

WHEREAS complaints have been from time to time exhibited to this Assembly, by the non-resident holders of lands in several counties of this state, of the difficulties under which they labour, from the mode of taxation which has been pursued with respect to their lands, and this Assembly are convinced that some means should be fallen upon to relieve them from some of the evils complained of, but a plan fully adequate cannot now be digested, so as to do justice as well to the state as the individual:

Be it enacted, and it is hereby enacted by the Representatives of the freemen of the commonwealth of *Pennsylvania*, in General Assembly met, and by the authority of the same, That all sales for taxes on lands belonging to non-resident land-holders within this state be, and the same are hereby suspended until the day of next; and the said non-resident holders of lands are hereby enjoined and required to furnish the commissioners of the several counties, within which the lands to them respectively belonging are situated, with complete lists and descriptions of their lands,

lands, specifying the quantity and situation; to the end that a full knowledge of their property may be had, and they being held responsible for the accuracy of their information, all complaints on this head may on their part cease.

And whereas it is the determination of this Assembly to take, at their next session, just and effectual measures for collecting the said taxes, and delays of payment, when the taxes are found to be properly assessed, will not conduce either to the interest of the state, or of those who owe them, as they will thereby put it out of the power of this Assembly, consistent with their duty to other citizens, to indulge any persons improperly withholding payment:

Be it enacted by the authority aforesaid, That the Treasurer of this state, or the Treasurer of any county in which unseated lands lie, may receive, on account, any sum or sums due for taxes laid on unseated lands, provided the same shall not be less than one third part of the tax due by any non-resident land holder, and give receipts therefor, to be allowed on the final adjustment of the accounts of the person paying the same.

And in considering the first enacting clause,

It was moved by Mr. *Vaux*, seconded by Mr. *Rawle*,

To postpone the consideration of the said paragraph, in order to introduce the following as a substitute, *viz.*

Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of *Pennsylvania*, in General Assembly met, and by the authority of the same, That previous to any sale to be held by the Commissioners of the several counties of this commonwealth, of any of the lands within the meaning and intention of the said recited act, for any taxes or arrears of taxes due to this commonwealth, the Commissioners of the respective counties in which such lands lie shall cause the said lands, and the taxes due thereon, and the owners names thereof, to be publicly advertised in their respective counties, and in one or more of the public papers of the city of *Philadelphia*, for at least weeks successively; and in default of the owners thereof, or some persons for them, discharging the said taxes, the said Commissioners shall cause the said lands, the taxes on which shall not be so discharged, to be set up to public sale, agreeable to the laws now in force in this commonwealth.

And on the question,—“ *Will the House agree to the postponement, for the “aforesaid purpose?”*”

It was determined in the affirmative, and the said proposed paragraph adopted.

And the second enacting clause being under consideration,

A motion was made by Mr. *Vaux*, seconded by Mr. *Rawle*,

To postpone the consideration of the said clause, in order to introduce the following in lieu thereof, *viz.*

Be it enacted by the authority aforesaid, That if no person shall bid the sum due on each tract, then, and in that case, the said Commissioners shall cause the same to be bid in for the use of this commonwealth, and make return thereof to the Treasurer of the commonwealth, due and legal notice being first given of the time and place of such sale.

And on the question,—“ *Will the House agree to the postponement, for the “aforesaid purpose?”*”

It was determined in the affirmative, and the said proposed paragraph adopted.

And the preamble to the said bill being under consideration,
It was moved by Mr. *Vaux*, seconded by Mr. *Paul*,
To postpone the same, in order to introduce the following in lieu thereof,
viz.

Whereas an act of Assembly of this commonwealth, entituled "*An Act
further to continue an Act, entituled 'An Act to suspend the sale of
lands for non-payment of taxes, and for other purposes therein men-
tioned,'*" has expired by its own limitation: And whereas many inconve-
niencies may arise to the owners of unsettled lands in this commonwealth,
if the said lands shall be set up and sold for the taxes due thereon, without
some further notice to the said owners: To prevent the said inconveniencies,
and that all such owners may have reasonable time and notice of the taxes
in arrear upon their said lands:

On the question,—"*Will the House agree to the postponement, for the afore-
said purpose?*"

It was carried in the affirmative, and the said proposed preamble adopted.

And the title of the said bill being then under consideration,

A motion was made by Mr. *Vaux*, seconded by Mr. *Paul*,

To amend the same, so as to read as follows, *viz.*

"*An Act relating to the sales of lands therein mentioned.*"

On the question,—"*Will the House agree to the postponement, for the afore-
said purpose?*"

It was determined in the affirmative, and the proposed title adopted.

And the said bill having been fully considered by paragraphs,

Ordered, That it be transcribed for a third reading, and forthwith publish-
ed for consideration.

The additional clause, by way of rider, to the bill, entituled "*An Act
to reform the penal laws of this state,*" having been brought in engrossed,
was compared at the table, and the said bill, together with the rider, enact-
ed into a law, and the Speaker directed to sign the same.

The following bills having been brought in engrossed, were severally com-
pared at the table, enacted into laws, and the Speaker directed to sign the
same, *viz.*

An ACT in favour of Robert Thorn.

*An ACT for the payment of the claim of Turnbull, Marmie and Com-
pany.*

Adjourned until nine o'clock to-morrow, A. M.

Tuesday, April 6, 1790. A. M.

The House met pursuant to adjournment.

The bill, entituled "*An Act relating to the sales of lands therein men-
tioned,*" was read the third time, and considered by paragraphs.

Ordered, That it be engrossed, for the purpose of being enacted into a
law.

The report of the committee appointed to confer with the Supreme Exe-
cutive Council, read yesterday, was read the second time; and the resolution
therein contained being under consideration, *viz.*

Resolved, That the President and Supreme Executive Council be, and they
are hereby authorised to contract for the purchase of a suitable lot of ground,
for

for the purpose of erecting thereon a magazine for the storage of gun-powder, and also to contract for erecting such building, upon such constructions and of such dimensions, as will conduce to the security of the public in this instance; and that this House will at their next session by law make provision for the expences of such purchase and building.

On the question,—“ *Will the House agree to the said resolution?* ”—the Yeas and Nays being called thereon by Mr. Kennedy and Mr. Mitchell, were as follow, viz.

Y E A S.

- 1 Lawrence Sickel,
- 2 Jacob Hiltzbeimer,
- 3 William Rawle,
- 4 Francis Gurney,
- 5 Samuel Ashmead,
- 6 Thomas Paul,
- 7 Thomas Britton,
- 8 Elias Boys,
- 9 Gerardus Wynkoop,
- 10 Valentine Upp,
- 11 John Chapman,
- 12 James Bryan,
- 13 Richard Thomas,
- 14 Henry Dering,
- 15 John Miller,
- 16 Thomas Clingan,
- 17 Jacob Schmyser,
- 18 Thomas Lilley,
- 19 William Godfrey,
- 20 Jonathan Hoge,

N A Y S.

- 1 Richard Downing, jun.
- 2 James Cunningham,
- 3 John Stewart,
- 4 Thomas Kennedy,
- 5 David Mitchell,
- 6 John Moore,
- 7 John Baird,
- 8 James Barr,

Y E A S.

- 21 John Ludwig,
- 22 Nicholas Lutz,
- 23 Daniel Leinbach,
- 24 Conrad Ibric, jun.
- 25 Herman Husband,
- 26 James Marshall,
- 27 Jacob Reiff,
- 28 Jonathan Roberts,
- 29 Benjamin Markley,
- 30 James Vaux,
- 31 Jacob Miley,
- 32 John Carson,
- 33 James M'Creight,
- 34 Obadiab Gore,
- 35 David Stewart,
- 36 John Nevil,
- 37 John Harris,
- 38 Hugh Lloyd,
- 39 Richard Riley.

N A Y S.

- 9 James Allison,
- 10 Alexander Wright,
- 11 Thomas Ryerson,
- 12 John Gilchbreest,
- 13 James Finley,
- 14 James Johnson,
- 15 John Rhea.

So it was carried in the affirmative.

The bill, entitled “ *An Act for raising, by way of lottery, the sum of eight hundred pounds, for redeeming the house of public worship belonging to the Hebrew Congregation of the city of Philadelphia from the mortgage and incumbrance thereon,* ” was read the third time.

And in considering the following paragraph, viz.

Be it enacted, and it is hereby enacted by the Representatives of the free-men of the commonwealth of *Pennsylvania*, in General Assembly met, and by the authority of the same, That *Manuel Josephson, Solomon Lyon, William Wislar, John Duffield, Samuel Hays and Solomon Etting* be, and they are hereby appointed Managers and Directors of the lottery hereby instituted and directed

directed to be drawn, for the preparing and disposing of tickets, to oversee the drawing of the lots, and to order and perform all such other matters and things as are herein after directed and appointed to be done and performed; and that the said managers, or any four of them, shall meet together at some convenient place, to be by them appointed, for the execution of the powers and trusts reposed in them by this act, and shall cause proper books to be prepared, in which each leaf shall be divided into three columns, upon the innermost of which shall be printed two thousand one hundred and sixty tickets, numbered one, two, three, and so onwards, in arithmetical progression, where the common excess is but one, until they rise to the number two thousand one hundred and sixty; upon the outside column there shall be printed the like number of tickets, of the same breadth and form, and numbered in like manner; and in the middle column shall be printed a third set of tickets, of the same number with those of the two other columns; which tickets shall be joined with oblique lines or devices, in such manner as the said managers shall direct; and every of the last mentioned tickets shall have written or printed thereupon (besides the number of such ticket, and the year of our Lord) the following words, *viz.*

HEBREW CONGREGATION LOTTERY.

THIS Ticket entitles the Bearer to such Prize as may be drawn against its number, if demanded within nine months after the drawing is finished, subject to a deduction of twenty-five per cent.

On the question,—“*Will the House agree to the same?*”—the Yeas and Nays being called by Mr. Rawle and Mr. Clingan, were as follow, *viz.*

Y E A S.

- 1 Lawrence Sickel,
- 2 Jacob Hiltzbeimer,
- 3 Francis Gurney,
- 4 Samuel Ashmead,
- 5 Thomas Britton,
- 6 Elias Boys,
- 7 Valentine Upp,
- 8 Richard Thomas,
- 9 Richard Downing, jun.
- 10 Henry Dering,
- 11 James Cunningham,
- 12 John Miller,
- 13 Thomas Clingan,
- 14 Jacob Schmyser,
- 15 John Stewart,
- 16 Thomas Lilley,
- 17 William Godfrey,

N A Y S.

- 1 William Rawle,
- 2 Thomas Paul,
- 3 Gerardus Wynkoop,
- 4 John Chapman,
- 5 James Bryan,

Y E A S.

- 18 Jonathan Hoge,
- 19 John Ludwig,
- 20 Nicholas Lutz,
- 21 Daniel Leinbach,
- 22 Conrad Ibrie, jun.
- 23 Herman Husband,
- 24 John White,
- 25 Thomas Ryerson,
- 26 James Johnson,
- 27 Jacob Reiff,
- 28 Benjamin Markley,
- 29 Jacob Miley,
- 30 John Carson,
- 31 Obadiah Gore,
- 32 David Stewart,
- 33 John Newil,
- 34 Richard Riley.

N A Y S.

- 6 Thomas Kennedy,
- 7 David Mitchell,
- 8 John Baird,
- 9 James Barr,
- 10 James Allison,

N A Y S.

N A Y S.
 11 *Alexander Wright,*
 12 *James Marshall,*
 13 *John Gilcbreeft,*
 14 *James Finley,*
 15 *John Rhea,*

N A Y S.
 16 *Jonathan Roberts,*
 17 *James Vaux,*
 18 *John Harris,*
 19 *Hugh Lloyd.*

So it was determined in the affirmative.

And the said bill having been fully considered by paragraphs,

Ordered, That it be engrossed, for the purpose of being enacted into a law.

The committee of accounts made report, which was read; and on motion, and by special order, the same was read the second time, and adopted, as follows, *viz.*

The committee of accounts report—

That there is due to *Daniel Humpbreys*, for six sets of the *Pennsylvania Mercury* for one year, - - - - - £ 6 10 0

For publishing in the *Pennsylvania Mercury* the bill, entitled
 “ *An Act to enforce the due collection of the revenues of the State, &c.*” - - - - - £ 1 15 0

£ 8 5 0

Resolved, That the Speaker draw an order on the State Treasurer, in favour of *Daniel Humpbreys*, for the sum of *eight pounds five shillings*, in full of his account.

The committee of accounts made report, which was read; and on motion, and by special order, the same was read the second time, and adopted, as follows, *viz.*

The committee of accounts report—

That they have examined the accounts of *Peter Z. Lloyd*, Clerk of the General Assembly, of the contingent expences of the House, for the payment whereof two orders, amounting to *one hundred and seventy-five pounds*, have been heretofore voted in his favour, and find that there remains, after the sundry disbursements for the purpose aforesaid, the sum of *two pounds two shillings*, in favour of the state, in his hands.

Your committee also report—

That there is due to the said *Peter Z. Lloyd*, for services during the last recess, after deducting the above balance of *two pounds two shillings*, the sum of *nine pounds eighteen shillings*. And as it is necessary that a further sum of money should be advanced for the payment of future contingent expences: Therefore

Resolved, That the Speaker draw orders on the State Treasurer, in favour of *Peter Z. Lloyd*, for the sum of *nine pounds eighteen shillings*, in full of his account, and for the sum of *one hundred pounds*, to pay the contingent expences of the House, to be accounted for by him to the General Assembly.

The committee of accounts made report, which was read; and on motion, and by special order, the same was read the second time, and adopted, as follows, *viz.*

The committee of accounts report—

That there appears due to *Hall and Sellers*, *one hundred and twenty-one pounds* for printing the minutes of the first session of the fourteenth General

Assembly, and *fourteen pounds* for printing 100 copies of the Register-General's statement of accounts in specie, and *seven pounds* for printing 100 copies of the statement of continental and state money, amounting, in the whole, to *one hundred and forty-two pounds*.

Resolved, That the Speaker draw an order on the State Treasurer, in favour of *Hall and Sellers*, for *one hundred and forty-two pounds*, in full of their account for printing the minutes of the last session, and copies of the several statements made by the Register-General of the public accounts, as per their account rendered.

The motion made by Mr. *Clingan*, seconded by Mr. *MacLay*, read *April 2d*, was read the second time.

And on the question,—“*Will the House agree to the following resolution*,”—*viz.*

Resolved, That the petitioners in favour of a division of the county of *York* are hereby authorised to procure a survey of the line designated in a bill, entitled “*An Act for erecting part of the county of York into a separate county*,” or any other line or lines of division which those concerned may think proper, so that the same be done at the expence of the said petitioners; and that *Moses M'Clean*, surveyor, be, and he is hereby appointed for the aforesaid purpose, and is requested to make report of the same, by courses and distances, to this Assembly, at their next session.

It was carried in the negative.

The committee of accounts made report, which was read; and on motion, and by special order, the same was read the second time, and adopted, as follows, *viz.*

The committee of accounts report—

That there is a considerable sum of money due to *Thomas Bradford* for printing laws and bills, and for news-papers; and as he requests that a part of his account may be now paid him, Therefore

Resolved, That the Speaker draw an order on the State Treasurer, in favour of *Thomas Bradford*, for the sum of *one hundred and twenty pounds*, on account of printing for the General Assembly.

The committee of accounts made report, which was read; and on motion, and by special order, the same was read the second time, and adopted, as follows, *viz.*

The committee of accounts report—

That a considerable sum of money is due to *Michael Bilmeyer*, for printing the minutes in the *German* language, but not being possessed of his account, they offer the following resolution, *viz.*

Resolved, That the Speaker draw an order on the Treasurer of the state, in favour of *Michael Bilmeyer*, for *fifty pounds*, on account for printing the minutes in the *German* language.

The following bills having been brought in engrossed, were severally compared at the table, enacted into laws, and the Speaker directed to sign the same, *viz.*

An ACT for raising, by way of lottery, the sum of eight hundred pounds, for redeeming the house of public worship belonging to the Hebrew Congregation of Philadelphia from the mortgage and incumbrance thereon.

An ACT relating to the sales of lands therein mentioned.

On motion of Mr. Rawle, seconded by Mr. Clingan,
Resolved, That the sum of *ten pounds* be allowed to *James Martin*, the Sergeant-at-Arms, and *Joseph Fry*, Door-keeper of the House, respectively, for their services during the recess.

On motion,
Resolved, That *Jacob Shallus* be allowed *twenty shillings* per diem for his services, in assisting the Clerk of the House in the discharge of the duties of his appointment.

On motion of Mr. D. Stewart and Mr. Rawle,
Ordered, That the Clerk cause to be printed, and transmitted to the several county Commissioners, 100 copies of the act, entitled "*An Act relating to the sales of lands therein mentioned.*"

The committee appointed to affix the seal to the laws reported, that they had affixed the seal to the following laws, *viz.*

I. *A SUPPLEMENT to the act, entitled "An Act to provide for the salaries of the Officers of the Land-Office," enacted the eighth day of December, one thousand seven hundred and eighty-nine.*

II. *An ACT for founding and endowing a public school in the town and county of Huntingdon.*

III. *An ACT to regulate the exportation of Pot-Ash and Pearl-Ash.*

IV. *An ACT to repeal part of the additional Supplement to the acts for the regulation of the militia of this commonwealth.*

V. *An ACT to divide the county of Fayette into election districts.*

VI. *An ACT to compensate William Lyon, Esquire.*

VII. *An ACT to reimburse Gabriel Coxe, George Valendigham and Andrew Sweringen, for monies advanced by them in the defence of the frontiers of Washington county.*

VIII. *An ACT directing the payment of the accounts of sundry Deputy Surveyors of the depreciation lands.*

IX. *An ACT relating to the securities to be given by Sheriffs and Coroners.*

X. *An ACT to suspend, for a limited time, so much of the act of Assembly to regulate the fishery in the rivers Codorus and Conewago, in York county, as relates to the erecting of platforms to the dams therein mentioned.*

XI. *An ACT for settling the accounts of James Rowan, late Collector of taxes in the county of Philadelphia, and for other purposes therein mentioned.*

XII. *An ACT to alter the place of holding elections in the second district of Washington county.*

XIII. *An ACT declaring the assent of this State to certain amendments to the constitution of the United States.*

XIV. *An ACT to provide for the more effectual relief of the widows and children of the officers and privates of the militia, who have lost their lives in the service of their country.*

XV. *An*

XV. *An Additional SUPPLEMENT to the several acts of Assembly respecting public auctions and auctioneers.*

XVI. *An ACT to authorise and direct the Supreme Executive Council to appoint commissioners to audit and settle the accounts between Bedford and Huntingdon counties, and for other purposes therein mentioned.*

XVII. *An ACT to provide for the safety of the records of the several counties in this commonwealth, and for other purposes therein mentioned.*

XVIII. *A Further SUPPLEMENT to the act of Assembly, entitled "An Act for the relief of insolvent debtors within the province of Pennsylvania."*

XIX. *An ACT for compensating Laughlin M^cCartney, and others therein mentioned, for supplies by them furnished the civil officers of Northumberland county in the year one thousand seven hundred and seventy-five.*

XX. *A SUPPLEMENT to the act, entitled "An Act for erecting the south-west part of the county of Cumberland into a new county."*

XXI. *An ACT for the relief of John Lytle, John Webb and William Murray.*

XXII. *An ACT in favour of Reading Howell, and for other purposes therein mentioned.*

XXIII. *An ACT for further enlarging the time limited by the act, entitled "An Act for facilitating the redemption of the bills of credit emitted in the year one thousand seven hundred and eighty-one, and for redeeming part of the funded debt of this state, for extending the time for patenting lands which were located before the declaration of independency, and for giving a right of pre-emption to actual settlers for procuring warrants for the lands by them occupied."*

XXIV. *An ACT to authorise the sale of the barracks in the borough of Lancaster, and the lot or lots on which they are erected, and for other purposes therein mentioned.*

XXV. *An ACT to reduce the tax upon writs issued out of the County Court of Common Pleas of Philadelphia county, during the time therein limited.*

XXVI. *An ACT to repeal an act, entitled "An Act for ascertaining and confirming to certain persons, called Connecticut Claimants, the lands by them claimed within the county of Luzerne, and for other purposes therein mentioned."*

XXVII. *An ACT for appointing two additional Trustees for the county of Huntingdon.*

XXVIII. *An ACT to incorporate the Carpenters Company of Philadelphia.*

XXIX. *An ACT to make provision for repairs at Mud-Island.*

XXX. *A further SUPPLEMENT to the act, entitled "An Act to incorporate the city of Philadelphia."*

XXXI. *An*

XXXI. *An ACT for altering a certain clause in the charter of the corporation for the relief of the widows and children of Clergymen of the Protestant Episcopal Church in the United States of America.*

XXXII. *An ACT to reform the penal laws of this state.*

XXXIII. *An ACT to enforce the due collection of the revenues of the state, and for other purposes therein mentioned.*

XXXIV. *An ACT to suspend, for a limited time, the operation of an act, entitled " An Act for the inspection of shingles, and for other purposes " therein mentioned."*

XXXV. *An ACT for appointing an additional Trustee for the county of Mifflin.*

XXXVI. *A SUPPLEMENT to the several Acts of Assembly of this state relative to the inspection of slaves, heading and lumber.*

XXXVII. *A SUPPLEMENT to an act, entitled " An Act to establish " a board of appeal within the several counties of this state, and to grant " exonerations in cases of militia fines."*

XXXVIII. *An ACT in favour of Robert Thorn.*

XXXIX. *An ACT for the payment of the claim of Turnbull, Marmie and Company.*

XL. *An ACT relating to the sales of lands therein mentioned.*

XLI. *An ACT for raising, by way of lottery, the sum of eight hundred pounds, for redeeming the house of public worship belonging to the Hebrew congregation of the city of Philadelphia from the mortgage and incumbrance thereon.*

Which laws were, as usual, deposited in the Rolls-Office.

Adjourned until the Fourth *Tuesday* in *August* next, at three o'clock, P. M.

PETER Z. LLOYD, Clerk
of the General Assembly.

A P P E N D I X.

The following papers not having been handed in in time to be inserted in their proper places, are here annexed.

REASONS for the Vote given by the Subscribers on the Question of the 26th Day of March, 1790.

A PROTEST having been entered against the resolutions adopted on the 26th ultimo, relative to the arrest of *Conrad Ibrie*, jun. Esq; we deem it necessary to give to our constituents the reasons for our votes.

We conceive that we are in this respect, as well as in all others, but the servants of the people, whose interests we are bound to maintain, and whose dignity and sovereignty we are entrusted to represent, and that the exemption from arrests during session, and in going to and returning from the same, except for treason, felony, or breach of the peace, is calculated for their benefit, not for that of their Representatives.

If the members of the Legislature, collected for the solemn and important purposes of their delegation, are liable to be arrested for other causes than those which have been stated, the necessary consequence is, that the public business may be obstructed and the public interest suffer, while that time which ought to be exclusively applied to the performance of our duties may be spent in opposing groundless accusations, through all the forms and procrastinations of the law.

The immunity from arrest does not extend to treason, felony, or breach of the peace; because, where the commission of a crime is open and manifest, it becomes evident that the member offending is unworthy of the public trust, and that to protect him from prosecution would be a greater injury than benefit to the community. But an arrest for the purpose of obtaining sureties of the peace is founded upon very different principles. Surety of the peace may be required at the discretion of the Magistrate, and as there are not and cannot be any rules to regulate that discretion, if the Magistrate, on a complaint made, thinks fit to compel any person whatever to give such surety, although in fact no just occasion for it may exist, he is not afterwards liable to impeachment or punishment. Thus a dangerous latitude is vested, which might easily be exercised for party purposes over the members of the Legislature, by restraining them from the performance of their duties, and perhaps committing them to gaol on the day
of

of some important question, the decision of which it was wished to prevent.

Yet if the privilege in this instance had been relinquished by our predecessors, we should have thought ourselves no less bound by it than we conceive ourselves bound to maintain all those privileges, tending to promote the benefit of the people, which are vested in us by the Constitution under which we act. We derive our information and authority upon this point from the ninth section of the Frame of Government, which, after enumerating certain powers and privileges vested in the Legislature, proceeds to declare, that the General Assembly "shall have all other powers necessary for the Legislature of a free state or commonwealth." Thus the question is reduced to a plain issue, and it only remains to determine whether the power of protecting its members from arrests, in all other than the cases already stated, is or is not necessary for the Legislature of a free commonwealth.

Upon principles it has already been shewn, and, if we collect the determinations of others upon the subject, we shall find our opinions confirmed by an authority of the most respectable nature. In the *Constitution of the United States*, the exceptions of treason, felony and breach of the peace are alone enumerated. We may add, without impropriety, that the alterations and amendments to the Constitution of this state, proposed by some of the most enlightened men we possess, enumerates only the same exceptions, in the same terms.

It has however been contended, that the privileges of the *British House of Commons* are over-ruled by the common law, which we have adopted, in all cases where surety of the peace is required. A short examination will detect the fallacy of this position.

It should be observed in the first place, that the members of the House of Commons represent but a third part of the nation, the King and the House of Lords constituting distinct and unrepresented branches; while the General Assembly of this commonwealth is a representation of the whole people; and therefore the analogy is not so strong as to induce us to be regulated by precedents derived from that body. But without resting upon this argument we shall further remark, that the privileges of the House of Commons were coeval with its institution; they are necessary for its safety, and they ought to have continued with its existence. But motives, derived from the occasional politics of that country, have prevailed with the members of that House to relinquish, in succession, almost all of those privileges which the safety of their constituents required, though it could not compel them to retain. In 1626 both Houses of Parliament, by resolutions entered on their journals, declared the cases to which personal privilege should not extend, and upon different occasions since they have resigned the greatest part of those privileges, which unquestionably adhere to the Legislature of this state at this hour. We need only to instance the service of civil process, to which in *England* every member of the Legislature is at all times liable, and which cannot be served upon the Representatives of the people of *Pennsylvania*, without the consent of the member, until after the expiration of the session. But it is remarkable, that the *refusal* to give security

security of the peace is still, in *England*, the only point which supports the authority to arrest or commit, and no case has been produced of a warrant issued against a person having privilege of Parliament, previous to a demand of security.

The first writer upon the common law who refers to the subject is Chief Justice *Coke*, who, in his fourth volume of *Institutes*, observes, that “in informations for the King, privilege of Parliament does not hold in treason, felony and the peace.” To say nothing of the inference to be drawn from the words “informations for the King,” to which he appears to confine it, nor of the apparent ambiguity of expression, which may be construed to signify either breach of the peace, or surety of the peace, we shall only observe, that, from the time when the book was published, it is evident that, if the sense contended for ought to be affixed to the terms he has used, his authority must be the resolutions already mentioned, for the same author affirms in his reports, that “the privilege, order or custom of Parliament belongs to the determination and decision only of the Court of Parliament.”

The decisions which have since taken place in *England*, particularly the cases of the seven Bishops, in the time of *James II.* and of Mr. *Wilkes*, in the reign of their present Monarch, instead of refuting, confirm the positions we have laid down. In the latter case it is established, that privilege of Parliament does not extend to those breaches of the peace, in which surety of the peace may be required; so that, instead of excluding the privilege in all breaches of the peace, it is excluded only in some of them. And to this case of *Wilkes* we may particularly refer, to evince the impropriety of drawing precedents from a country, where the privileges vested in the representatives of the people, for the benefit and safety of their constituents, are so readily sacrificed, to gratify the wishes of a Minister, or to promote the purposes of the prevailing party.

We have been the more full in stating the law upon this head, not only because, when accurately examined, it refutes so much of the protest as is founded upon it, but also because the dissentients appear to lay so much stress upon the practice of the *British* Parliaments.

But we have disclaimed, and we continue to disclaim any other authority for our conduct, than the rights of a free people represented in a free Legislature; rights, which we have received in trust,—which we are bound to maintain, by the most solemn obligations humanity is capable of devising,—and which we are therefore unauthorised to relinquish.

The exception that has been made in the third resolution is a necessary part of the principles we profess. When the Legislature is adjourned, it is obvious that the privilege, as to all matters of a criminal nature, should cease. The public welfare requires it; and as no privileges can exist, which shall be found incompatible with the public welfare, it is evident that members of the Legislature from that time become liable to all those proceedings (exclusive of civil suits, till a reasonable time for returning home has expired) to which private men are subjected. In this resolve, therefore, we have only declared the rule, not established it.

Of the concluding insinuation contained in the protest, that, at the time when these resolutions were adopted, “ the right of enquiring into, and “ complaining of, and petitioning and remonstrating against the proceedings “ of this House, by the people out of the House, was brought into question,” we can only say, that if such a question ever has been agitated in this House, it must have been by or amongst the dissentients. We know nothing of it.

*Lawrence Sickle,
Jacob Hiltzbeimer,
William Rawle,
Francis Gurney,
Samuel Ashmead,
Thomas Britton,
Richard Thomas,
John Carson,
Richard Downing, jun.
Henry Dering,
John Chapman,
Jonathan Roberts,
Gerardus Wynkoop,
John Miller,*

*Thomas Lilley,
William Godfrey,
Jacob Schmyser,
James Vaux,
Obadiab Gore,
Thomas Ryerson,
David Stewart,
James Bryan,
John Stewart,
Benjamin Markley,
Richard Riley,
Thomas Paul,
John White.*

*REASONS of DISSENT against the Resolution of March 30th, 1790,
for reprimanding JOHN NICHOLSON, Esquire.*

1st. **B**ECAUSE we are convinced that Mr. *Nicholson* has done nothing, but what by the express terms of our constitution (which we have all solemnly sworn to observe) every citizen of this commonwealth is warranted to do. Conceiving himself aggrieved and injured by the misrepresentations of a member of this House, he has written a letter to the Speaker, complaining of such misrepresentations as are injurious to him, and has put his letter into print. For by the sixteenth section of the bill of rights, the people of this commonwealth have a right “ to apply to the Legislature for “ redress of grievances, by address, petition or remonstrance.” By the fourteenth and fifteenth sections of the frame of government it is required that “ the proceedings of the Legislature be public, and that they be subject “ to the consideration of the people;” and by the thirty-fifth section, “ the “ printing presses shall be free to every person, who undertakes to examine “ the proceedings of any part of government.”

2d. Because we think that the right of complaint by those who conceive themselves injured is one of those principles which ought to subsist in every form of government, and that no public body should be so sacred as to preclude the complaints of those who believe themselves aggrieved by that body, or any member of it. If the complaints are well-founded, they ought to be redressed, if important, they ought to be examined, and if trivial, or even unfounded, in our opinion it is most consistent with real dignity to pass them by with neglect. In the present case, as the complaint was of an important nature to the government, as well as to the individual complaining,

plaining, we think that it was the duty of the House to have calmly and dispassionately examined into the truth of it, instead of adopting hasty resolutions, which could have no good tendency, but is calculated to stifle enquiry, to promote heats, and revive that spirit of party and discord which we hoped had subsided in the breasts of all good men, and to abridge the just rights of the citizen.

3d. Because we are fully convinced that the complaint was well founded, and therefore that he has been most injuriously treated by the proceedings of the House.

4th. For that the claim of privilege in the present case was, in our opinion, not only useless, but mischievous, as the pretence of protecting a member of the House, whose attendance was not interrupted, and whose person or property was neither injured nor threatened, appears to us to be frivolous and unfounded; and we cannot see the necessity or advantage of protecting the whole, or any part of the legislature, from an investigation into the truth of what is asserted or declared, either openly and publicly, or in private communications among the members. Our constitution intended that the House should derive all possible light and information, as well from without the walls, as within, and we are acting in diametrical opposition to the spirit of the constitution, when we attempt to bar up the passage against information from without.

5th. Because it appears to us both unjust and impolitic; unjust, because it is making the law to follow the crime, and consequently a retrospective law; impolitic at this enlightened period, when some of the governments in *Europe* have relinquished or ceased to exercise their high pretensions and despotic claims to privilege, and others are daily relinquishing them, for the Representatives of the freemen of *Pennsylvania* to set up such a claim, and exercise it in such a manner as is not warranted by our constitution, and has scarcely a parallel in the most arbitrary government.

*Thomas Kennedy,
John Nevil,
John Baird,
James Cunningham,
James Allison,
James Johnston,
Jonathan Hoge,
James Marshall,
John Moore,
John Gilchreest,
James Barr,*

*David Mitchell,
James Finley,
John Harris,
Nicholas Lutz,
John Ludwig,
Daniel Leinbach,
Jacob Miley,
Alexander Wright,
Samuel Macclay,
John Rhea.*

DISSEN-

DISSENTIENT from the Vote adopting the Report of the Committee in favour of repealing the Act, entitled " An Act for ascertaining and confirming to certain persons, called Connecticut Claimants, the lands by them claimed within the county of Luzerne, and for other purposes therein mentioned."

1st. **B**ECAUSE we consider the act, which the resolution adopted by the House proposes to repeal, to be either in the nature of an absolute, or a conditional grant to the *Connecticut Settlers*. If the latter, it has not yet been proved to our satisfaction that the insurrection at *Wyoming*, which occasioned the commissioners to fly, proceeded from a general determination to resist the authority and reject the bounties of this state, or from the turbulent dispositions of some of the adherents of *John Franklin*, who were incensed at his sudden and secret arrest, few of whom could derive any benefit from the law which the commissioners were then carrying into execution; and, consequently, it has not appeared, with that clearness which the importance of the subject requires, that there has been any breach of the implied condition of the law, *viz.* that the *Connecticut Settlers* would submit to the authority of the state.

2d. Because, if the grant is absolute, it is obligatory upon the state, and can only be revoked upon the terms mentioned hereafter.

We conceive that a law vesting an interest conveys the most solemn and authentic title that can be annexed to property, after which the state has not the same power over the law, which it most unquestionably possesses over its own acts of another nature. But in no instance can the power of repealing laws affect their obligation while in force, and, consequently, if the effect of the law while in force is permanent and perpetual upon the subject to which it relates, a repeal, although it may destroy the law, cannot diminish the effect it has already produced.

3d. Because, although it is universally conceded that private property may at any time be taken for public uses, yet it can only be so taken upon condition of making full and adequate compensation to the private proprietor; and hence it *may* follow that the state, from whatever motives, having conveyed the title to the lands in dispute, under certain terms and modifications, to the *Connecticut Settlers*, will, at a future day, be liable to make a more expensive compensation to those settlers, than the whole amount of the demands of the *Pennsylvania Claimants*.

4th. Because it is introducing a most dangerous principle to repeal a law of any kind, from an impression, however strong, that the Legislature was deceived at the time of passing the law. A law contrary to the constitution may and ought to be repealed; for in that instance there is a certain guide, which, although it may be disobeyed, cannot be misunderstood: But to pass our own judgment, in a legislative manner, upon the sufficiency of the motives which induced a former Assembly to enact a law of the nature of that which it is now proposed to repeal, and to collect those motives from other sources than the law itself, appears to us to endanger the authority even of our own proceedings, by rendering them liable at a future day to be subverted

subverted in the same manner, with perhaps still less evidence than we have had to proceed upon. And it will directly tend to destroy the order, safety and happiness derived from civil society; for, as the obligation of the laws is rendered less solemn and conclusive, the Legislature will naturally become less impressed with their importance, and the people will gradually learn to disregard their authority.

*William Rawle,
Richard Thomas,
Richard Downing, jun.
Lawrence Sickle,
Jonathan Roberts,*

*Jacob Hiltzheimer,
Henry Dering,
Samuel Ashmead,
Obadiab Gore,
Herman Husband.*

*DISSENTIENT from the Vote for enacting the Law, entitled " An
" Act to repeal an act, entitled " An Act for ascertaining and confirming
" to certain persons, called Connecticut Claimants, the lands by them claim-
" ed within the county of Luzerne, and for other purposes therein men-
" tioned."*

1st. **B**ECAUSE the passing of the bill into a law in the same session in which it originated, and within eight days after it was first read in the House, is, beyond all example heretofore furnished by the rage or folly of party, a flagrant violation of the constitution, which declares, that, " to the end that laws before they are enacted may be more maturely considered, and the inconvenience of hasty determinations as much as possible prevented, all bills of a public nature shall be printed for the consideration of the people, before they are read in General Assembly the last time for debate, and, except on occasion of sudden necessity, shall not be passed into laws until the next session of Assembly."

That this bill was of " a public nature," all, who have understanding to comprehend, and candor to acknowledge, the obvious meaning of words, must confess; inasmuch as the compensation to be made to the *Pennsylvania Claimants* related to the whole state, and affected all its members; and no one will have the effrontery to say, that any " occasion of sudden necessity" had occurred, for dispensing with the express provision of the Constitution. This wanton precipitation in passing the bill is inconsistent with its preamble, in which one motive assigned for the repeal of the confirming law is, that it was passed hastily and without due consideration had; and another contradiction, equally glaring, is, that, after stating that the said act divested many citizens of this state of their lands without their consent, *and without making them any just compensation*, it assigns as a reason for the repeal, that the carrying said act into effect would impose a grievous burthen on the good citizens of this state, to *make compensation* to those who would thereby be divested of their property.

The Constitution further declares, that " for the more perfect satisfaction of the public, the reasons and motives for making laws shall be fully and clearly expressed in the preambles." Whatever might be the reasons and motives for passing the bill, the facts assumed in the preamble, but which were

were neither proved nor admitted, seem to have been intended to give colour to a proceeding which stood in need of it, if not to bring reproach on a former House, equally respectable, at least, as the present one for wisdom and virtue.

2dly. Because the House had no proper evidence in support of the allegations contained in the preamble, and refused to enquire, either in the House, or in a committee of the whole House, whether they were true or not. In a measure highly interesting to the honor, dignity and justice of the state; in a measure consigning to misery and ruin many hundred families, who had trusted to its good faith; and calculated to bring severe and unmerited reproach on a former Assembly, a decent regard for the opinions of men should have induced the House to have heard the evidence which was called for, so as to give some semblance of justice to their proceedings. This was nevertheless refused, and an example set, for preferring rumour to facts, assertion to proof, and conjecture to full and compleat information. A solemn vote precluded proper enquiry, and then the House, assuming facts, assigned them as grounds for repealing a law founded in wisdom, justice and sound policy. If this proceeding is not a mockery of justice, and satire on the House, it must be admitted to be of the most dangerous example.

3dly. Because the confirming act was founded in *wisdom and sound policy*, and the allegations in the preamble to the bill for repealing it, that it "was unconstitutional, and of the most dangerous consequence," and that "the reasons set forth in the preamble of the said act do not appear sufficient to warrant any legislative interference," are without foundation.

The *salus populi*, or safety of the people, is the supreme law of the land, to which all inferior rights and regulations must yield. They originate from and are auxiliary to society, and may, on reasonable compensation made, be lawfully resumed, whenever the great ends thereof require it, *for the accomplishment of some great good, or to avert an impending evil*. These important truths result from the very nature of society and the first principles of government. They are sanctioned by the opinions of individuals, and the practice of nations. They are confirmed in abundant instances by our municipal laws, and recognized by our bill of rights. The Legislature who enacted that law were neither so weak nor so wicked, as men, less informed and not more virtuous, have supposed them to have been. The state of the Commonwealth called for the system which they adopted; and had a policy equally just and wise been since pursued, the faith of *Pennsylvania* would not have been broken, or her honor tainted by her own sons.

If the House had deigned to enquire for themselves of witnesses at the bar, or in committee of the whole, instead of trusting to others, the truth might have appeared on our journals, and a curious spectacle would have been exhibited by contrasting it with the preamble of the bill. But the hurry with which they charged a former House with proceeding "hastily, and without due consideration had," not admitting of the necessary enquiries, has exposed them to that censure which has been wrongfully imputed to others. The conduct of the Legislature in *November 1787*, when the same business came before them, was very different. Instead of listening to idle rumours, they called witnesses to their bar, and examined for themselves. They had writ-

ten documents laid before them, and became well acquainted with all the facts which led to the quieting act, as well as with its effects. The charter boundaries of *Pennsylvania* and *Connecticut* were supposed to clash, and had been long contested before and since the revolution. Each asserted her claims to the country at and about *Wyoming*, and manifested a resolution to maintain them at every hazard. The *Connecticut Claimants* settled themselves on the lands, under grants from the *Susquehanna Company*, and the patronage of *Connecticut*. They maintained and cultivated their lands till the decree at *Trenton* in 1782. That decree settled the rights of soil and territory, as between the contending states, in favour of *Pennsylvania*; but it neither did, nor possibly could, affect the private rights of individuals. The Judges who pronounced that decree, nevertheless, became well acquainted with the nature of the settlements, and the equity resulting from them. Under the impressions made thereby, they wrote a letter to the Executive Authority of *Pennsylvania*, which is perhaps lost, but the following account of it has been given by one of the same Judges in a subsequent letter.

“ We had very strong reasons for writing the letter to the President of
 “ *Pennsylvania*. We were fully acquainted with the peculiar circum-
 “ stances of the *New-England* settlers. We knew that many of them had
 “ honestly paid for their possessions; that they verily believed the title un-
 “ der which they claimed to be perfectly good; that they had cleared,
 “ built upon, and improved the land; that in doing this they had encoun-
 “ tered many dangers, and suffered innumerable hardships; and, beyond
 “ all these things, and what cannot be estimated, many of their nearest
 “ connections had spilt their blood in defence of their possessions.

“ Thus circumstanced, it was manifest that they had become enthusiasts
 “ for the land; that the reasoning of legislators and statesmen would have
 “ but little weight with them; that if the state should attempt to dispossess
 “ them, they would become desperate, and a civil war would be the con-
 “ sequence. On the contrary, if the state should quiet them in their pos-
 “ sessions, they would become peaceable good citizens; and that the state
 “ could compensate those who held the *Pennsylvania* title, by giving them
 “ an equivalent in lands or money, at a less expence than that of dispos-
 “ sessing the *New-England* settlers. That therefore the interest, the huma-
 “ nity, and the policy of the state, would lead them to adopt the mea-
 “ sures that we recommended. The letter bore no official authority. We
 “ subscribed it as private citizens. Nevertheless, we did conceive that it
 “ would have some weight, as it must be apparent that our means of in-
 “ formation had been better than those of any other persons, who were
 “ disinterested.”

A different policy from that which had been so warmly recommended was adopted by *Pennsylvania*. She levied troops, and marched them into the hap-
 less country to dispossess the settlers, without any trial of their rights. The
 horrors of war were renewed, and, from the supposed inclemency of our mea-
 sures, or some other cause, a dangerous confederacy was forming against us.
 The *Connecticut Claimants* were a bold and a hardy race of men, enured to
 toils, and trained to arms. Their enrolled militia, between the ages of eigh-
 teen and fifty-three years, amounted to six hundred and eighty-five, exclusive
 of those of some townships, whose returns had not come to hand. Besides
 these,

these, it appeared that there were many able-bodied men among them, not between those ages, but who were capable of being brought into action to great advantage, as occasion might call for it. Many fruitless efforts had been made by *Pennsylvania*, at the expence of some blood and much treasure, to subdue the country, and establish her authority within it; but experience had evinced that the inhabitants, when assailed by a superior force, only retreated to the fastnesses of a rugged country till that force was removed. Thus situated, they had for many years either kept *Pennsylvania* at bay, or made momentary retreats, as circumstances dictated. At the time of passing the act, the affairs of that country had assumed a very different and still more menacing aspect.

The number of settlers was increasing. The *Susquebanna* Company, under whom they held, were composed of influential characters in the states of *Connecticut* and *New-York*. The efforts of *Pennsylvania*, after the decree at *Trenton*, to dispossess the settlers by an armed force, united that company in the resolution to support them. They offered a bounty of two hundred acres of land to every able-bodied man who would settle among them. Many had already accepted of these terms of enlistment, and marched to the land of conflict. The settlers were emigrants from *Connecticut*, where their friends, connections and adherents remained. The legislature of *Connecticut*, their parent state, which had by her public acts countenanced the forming of that settlement, were, to use the words of some of the witnesses, in a flame, the moment they heard of the conduct of *Pennsylvania*, which they branded with the epithets of "cruel and unjust," and with much difficulty the cooler members abated their resentment.

But danger did not threaten from these quarters only, and *Pennsylvania* had perhaps still more to apprehend from another. It was made appear at the bar of the House, and, if enquiry had not been precluded, it might have appeared again, that, shortly before the passing of the act, Col. *Ethan Allen*, one of the principal founders of *Vermont*, had been at *Wyoming*, and joined in the plan of erecting a new state, and that he and his followers were to be rewarded by a share of the lands for their services; that he had returned home, as was probable from circumstances, with the view of collecting his strength, to carry the plan into execution. It would not have become *Pennsylvania* at any time, much less in her then feeble and distracted state, to behold such a dangerous combination with indifference, or to be inattentive to the breaking of it.

Nor was this all; for it appeared, from very respectable evidence given at the bar, that a gentleman of high rank in the late army had at the same time resolved on marching, with a large train of his followers, to *Wyoming*, and, after settling there, to share one common fate with those, who had, alone, baffled *Pennsylvania* in all her attempts to expel them. And it is equally certain, that as the insurrection in *Massachusetts* had just been quelled, there was too much reason to fear that the ringleaders and their followers might take the same course. What was it but this, that induced *Pennsylvania* to offer additional rewards for apprehending them? Whether a mistaken policy on the part of *Pennsylvania*, unmerited prejudice against her, or the feelings of humanity in favour of devoted victims, led to these confederacies,

is

is not now material, since they did exist, and her faith was plighted by solemn compact in order to break them.

Thus situated, did sound policy call for girding on the sword against numerous bands of gathering foes, or for the adoption of those lenient, but honorable, measures, which had been so warmly recommended by disinterested and well-informed judges? *Pennsylvania* remembered that the *Connecticut Claimants* had alone, and unsupported, for many years baffled all her exertions to establish her authority among them. She had seen them increasing in numbers and prowess, amid all their difficulties. She saw dangerous combinations formed and forming against her. She saw herself but just emerged from a long, a burthensome, and a bloody war. She saw her treasures exhausted, and her citizens overburthened with taxes. She saw a general reluctance, and sometimes a refusal in her militia, to risk their lives in what was considered by some as the quarrel of individuals about their speculations in lands. By party broils, she was enervated at home, and, from the prejudice which had been excited by her preferring arms to the lenient, but dignified, measures, which had been recommended after the decree at *Trenton*, she had but little to hope, and much to fear from abroad. Political exigencies determined her choice, and called for immediate action. A small delay might have plunged her into a long and expensive war, or obliged her to retreat with the loss of reputation. For these reasons, the act appears to have been founded in wisdom, justice and sound policy, and if the epithets now bestowed on it apply at all, it must be to the bill for its repeal.

4thly. Because the act hath, so far as depended on the *Connecticut Claimants*, had the effects proposed, and the allegations to the contrary, in the preamble of the bill for its repeal, are unfounded. It was incontestably proved on a former occasion, at the bar of the House, that the *Connecticut Claimants*, whose rights had been acquired prior to the decree at *Trenton*, and who were the only persons included in the act, were perfectly satisfied therewith; and that all of them, except six or eight, had submitted to the government and laws of *Pennsylvania*; that all those who had been disposed to join them had abandoned their designs, except the half-share men, who had come among them since the decree at *Trenton*, and who were not included in the act. These, being too insignificant to make any formidable opposition, have either abandoned the settlement, or, encouraged by the wavering conduct of *Pennsylvania*, remain ready to renew their mischiefs, if, by her breach of faith, others shall be induced to join them.

Hence the most salutary effects have been derived from the law. A war, perhaps more expensive than the compensation to have been made, was avoided; peace and tranquility were restored, or rather took place for the first time. The government and laws of *Pennsylvania* have been established and had their free operation, and allies, formidable from their numbers and situation, abandoned their hostile views.

Thus the great objects which the Legislature had in view, in passing the confirming law, have really been accomplished. They were principally these: 1st. To conciliate the minds of those Claimants; to induce them to relinquish their designs of absolutely rejecting the jurisdiction of this state, and, in conjunction with others who had associated and were preparing to
associate

associate with them, of erecting a new and independent state in that and the adjacent country. 2d. To put an end to the distresses, expence and bloodshed, which during a series of years had attended this dispute; and to prevent the still more serious evils of a civil war, which, not only a contrary policy, but even a delay of that salutary confirmation, were likely to produce, the measures which those people were then pursuing having a direct tendency to that fatal issue. 3d. A further object of that law was, that, by having their lands confirmed to them, those people might be induced, not only to relinquish the designs and measures already mentioned, but to submit to the government, and become useful as well as peaceable citizens of this state. 4th. Another object, and it was an object of high importance, was, to render practicable the settlement of an extensive adjacent country, to which the contention about the *Wyoming* lands had for many years proved a fatal bar. These were the great objects of the confirming law; these were the effects proposed and expected to result from it; and the event has justified that expectation. The adjacent country is in a train of settlement; and if the county of *Luzerne* itself has not greatly increased in population and improvement, it is to be attributed to the long suspension of the confirming law.

5thly. Because the preamble contains most indecent and unwarrantable reflections on the Assembly, by which the confirming law was enacted. That Assembly was impressed with the weighty considerations above stated; considerations which received additional force from many collateral circumstances, which a retrospect to the numerous mischiefs that had flowed from the dispute about the *Wyoming* lands could not fail to bring to remembrance. That Assembly must have recollected the many fruitless attempts of government to extend its jurisdiction over that country, and have seen that the obstacles to it were daily increasing. They saw that there was but this alternative, either to confirm the lands to the old *Connecticut Settlers*, or immediately to raise a military force, with the hope of subduing them. They chose the former, and disinterested men, of sound judgment, approved the choice. It is well known, that at the time when that law passed the union of these states was but a rope of sand; that the people at *Wyoming*, amidst many sufferings and oppressions, received countenance from their parent state, *Connecticut*; that they had numerous and interested connections in that state; and that, under such circumstances, a war commenced against the *Wyoming Settlers* might have drawn after it very serious consequences. A Legislature passing the confirming law, for such reasons and under such impressions, ought not to be charged with doing it hastily, and without due consideration. It was a measure which we have seen had been recommended to the state by men, to whose judgment, in this case, the highest deference was due, and whose discernment and impartiality ought not to be impeached by this House. And various transactions of the Legislature, at different periods, before the confirming law was made, clearly manifest their opinion, that some equitable provision ought to be made for the *Connecticut Claimants*, who had settled in that country before the decree at *Trenton*, and for the widows and children of such as had fallen (and a multitude of them *had fallen*) fighting against the savages. A law passed under such circumstances cannot justly be called unconstitutional. At the time when the confirming law was passed, the General Assembly had the exclusive right and authority to judge of its expediency,

propriety and necessity; and even admitting (what we do not admit) that the Assembly had on those points formed an erroneous judgment, yet, so far as its grants or engagements extended, they are irrevocably binding on the state, and cannot be cancelled without the consent of those to or with whom they were made.

6thly. Because all the acts of the legislature which appear on their journals, since the confirming law was passed, manifest an intention ultimately to establish the claims of the *Connecticut Claimants*. When accidental causes had rendered it impossible for all of them to exhibit their claims within the time prescribed by the confirming law, the power of the commissioners was suspended by a law, made for that purpose; lest, by a partial establishment of claims (which could apply only to such as they had an opportunity to receive and examine) much mischief and confusion should arise. But the suspension of a law is in its nature only a temporary measure, and in this case it was expressly declared to be only until the legislature should make further provisions and regulations in the premises. At the same time a bill was introduced, adopted, and published for consideration, for the purpose of granting the seventeen towns entire to the *Connecticut Claimants*; a grant that there is sufficient evidence to shew would greatly have exceeded the claims, which could have been admitted under the confirming law. The next day a resolve was passed, to authorise the Supreme Executive Council to take proper measures for ascertaining the quantity and value of the lands claimed by *Pennsylvania* owners, to be reported at the next session, "that the House might the better be enabled to decide upon the compensation to be made them." All these transactions took place long after the confirming law had been enacted, and they will admit of but one of two meanings:—Either that the Legislature still judged it proper and necessary substantially to carry the confirming law into execution, and meant eventually to do it; or, that the cogent reasons which induced the passing of it still continued in such force, that a repeal of it would then have been dangerous, and, therefore, that the suspending law, the bill for granting the seventeen towns entire, and the resolution preparatory to the making compensation to the *Pennsylvania Claimants*, were necessary, to excite in the *Connecticut* settlers an expectation of a final establishment of their claims, to soothe and keep them quiet, to prevent any accession of force, and to detach from them their new associates; but that, when these views should be accomplished, and when it should be found that the jurisdiction of the commonwealth was completely established in *Luzerne* county, the confirming law should be repealed. But if some, by their conduct in this business, are disposed to impute such base and dishonorable motives to a former legislature, we are not. The obvious construction of those public acts forbids the suspicion.

7thly. Because the grants of land solemnly made by the confirming law to the *Connecticut Claimants* assure to them effective titles, and the property thereby vested in them cannot be taken from them, without providing for them a complete compensation. But such compensation would far exceed that which has been engaged to the *Pennsylvania Claimants*: Therefore, if the mere *interest* of the state be regarded, the confirming law ought not to be repealed. The journals and files of the Legislature clearly shew that the Assembly, which enacted the law for confirming to the *Connecticut Claimants* the lands by them claimed in the county of *Luzerne*, were not ignorant

ignorant of the magnitude of their grant. The petition of those claimants explicitly states, that their claims extended through seventeen towns, generally of five miles square, and to some detached lots; and the committee on that petition reported to the Assembly, that the petition was for entire and extensive tracts. In addition to this, the law, by relative terms, refers to the petition, is founded upon and confined to it, and, as the claims are there stated, it is but a trifling with words to say, that "the Legislature had not proper information of the magnitude of the grant."

8thly. Because, if we should say that at the time the confirming law was enacted there did not exist sufficient reasons for passing it; if we should declare in the words of the preamble of the repealing law, "that it was hastily passed without due consideration;" it would be to accuse that Legislature of criminal improvidence, and inattention to their duty. But no subsequent Legislature can be justified in doing this, unless (which is impossible) they can see and feel all those reasons and impressions under which the law originated.

9thly. Because, if the repealing law could possibly produce the effect intended by its supporters, it will nevertheless bring an indelible disgrace on the state. It will shew, that, not honor and justice, but mere mercenary views, governed its conduct; that it held itself bound by its contracts, only when a fulfilment of them coincided with its interest; and that, though by its laws it will compel the honest performance of disadvantageous contracts entered into by individual citizens, yet in its own case, setting itself above the law, it will pay no regard to them.

10thly. Because the formal repeal of the confirming law, while it prostrates the faith, honor and dignity of the state, will not procure any equivalent, if, in the nature of things, there can be any possible equivalent for the sacrifice of those great principles of society and government; because the repeal itself will be nugatory, for it is an infraction of the laws of nations, a violation of the constitution of the United States, an *ex post facto* law, a law violating the obligation of a solemn public compact, and the courts of the United States must pronounce it to be of no effect. Hence the folly of the repeal will equal its injustice; for there will not remain even the paltry consideration of *interest* to console the state for the loss of its honor, dignity and faith. It is too probable that the mischiefs resulting from the measure may be serious in their nature, and of long continuance. Those who were appeased by a good policy will be irritated by a faithless one; and those who formerly joined them, from motives of humanity, may do it again, from the additional one of our having added treachery to violence. Whatever may be the event, we dissent from the vote for passing the bill into a law, and desire that our reasons may be recorded in justification of our conduct, and for the information of our constituents.

William Lewis,
John Nevil,
Obadiab Gore,

Samuel Ashmead,
Henry Dering.

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